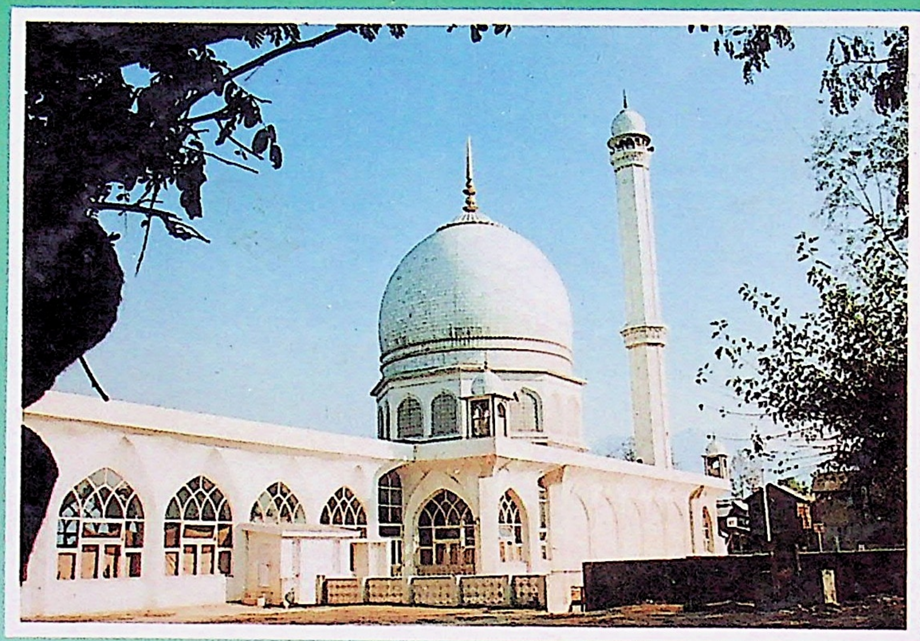
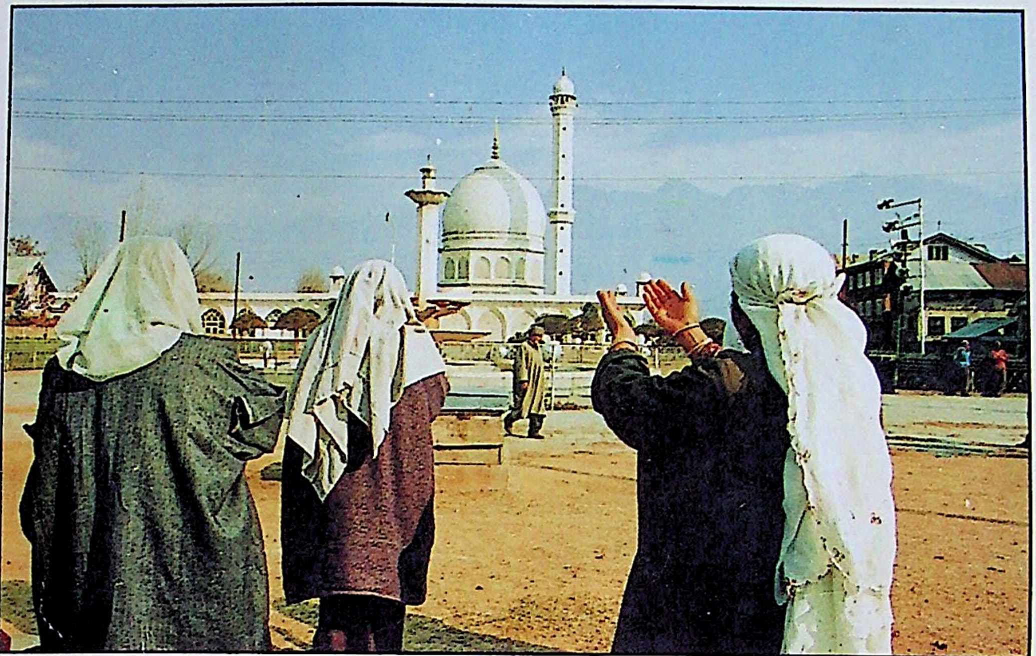
HAZRATBAL

The Central Stage of Kashmir Politics



G. N. GAUHAR

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The devotees at Hazratbal

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VIRGO PUBLICATIONS
NEW DELHI

Published in 1998 by
Virgo Publications
L-67A, Malviya Nagar, New Delhi-110 017
ISBN 81-85870-11-X

Printed in India by
Printo Craft, 1811-A, Giani Bazar,
Kotla Mubarakpur, New Delhi-110 003

In Cherished Memory of:

Haji Noor-ud-din of Ishbara (1638-1699), a dedicated lover of the Prophet and a true patriot, has given a distinct and true political direction to the history of Kashmir and the process of its cultural development he has also contributed greatly to the mystic orientation in the evolution of Kashmir society. So with pride and pleasure, I dedicate this book to him. It is our duty to remember those devoted martyrs who by shedding their innocent blood converted "Shoda Gali" into "Shaheed Gali" in 1964 and those who with love and sincerity sacrificed their youth, aspirations and lives in Bijbehara on October 22, 1993.

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PREFACE

At this zero hour of December 10, 1996 almost the entire population in the Valley is busy throughout the night meditating generally in all the mosques and shrines, particularly in the Hazratbal shrine.

During the same night (i.e., the 27th night of the 7th month of the Muslim calendar, *viz Rajab*), a year before emigration, Mohammad (P.B.U.H) ascended to the high heavens and was graced with this proximity, which the Quran describes as:

> And was at distance
> of but two bow-lengths
> or (even) nearer.

The night of *Meerajun - Nabi* is celebrated with deeper spiritual strains in Kashmir, distinguishable from the Muslim world and particularly the subcontinent. Miraj has greatly influenced the spiritual thought of Kashmir and has become the pivotal symbol of our mystic literature. Professor Miguel Asin (the Spanish Professor of Arabic at the University of Madrid in Spain) has marked the influence that Meeraj literature has left on the medieval literature of Europe and finds its clear imprints in Dante's *Divine Comedy*.

It is because of these special influences in Kashmir that denial of access to Hazratbal in 1994 left deeper repercussions of a political nature.

Just before the night prayers, I completed proofing the manuscript sent by the publishers and felt it necessary to add this preface.

The matter of the sustenance of the inmates in the Hazratbal shrine shuttled from the State High Court to the Supreme Court in New Delhi. As a Trustee of the J&K Muslim Auqaf Trust and as an advocate, I visited Delhi to brief the lawyers there. I found that the discussion in the Capital too, was dominated by the crisis at Hazratbal and everyone

was eager to know the history and impact of this unique rendezvous of the mystic fraternity. During an informal intellectual get-together, a senior journalist suggested that I embark upon this gigantic task but because of my commitment to the Kashmiri language and literature, I did not then appreciate the suggestion.

On November 12, 1993, I booked a return air-ticket for Srinagar for the next day. However, as we left Rafi Marg, the car carrying my son, Shahwar Gauhar and myself, met with an accident and all of us were injured. We spent the next few days in Dr. Ram Manohar Lohia Hospital reflecting over the turn of events and our miraculous escape. It is in this context that I conceived the plot for this book and also prepared a synopsis, but had to defer the project till I recovered from my injuries. The non-availability of records about Moi-Muqqadas and the history of Hazratbal caused some frustration.

For the past five decades, politicians have thrived on the uncertainty which has hovered over the destiny of J&K. The main sufferer is the intellectual of this state. There has been no worthwhile contribution from the successors of Kalhana, Sheikh Noor-ud-din and Mula Taahir Gani. Since 1989 serious research work has become an impossibility. I had to shuttle between Srinagar and Delhi to find references and collect and collate the necessary material. I regret I could not visit Bejapur from where Aasar Mahal could provide me with corroborating pieces of evidence regarding Moi-Muqqadas. Such evidence, though not necessary, could nonetheless, make the other material more convincing.

As a 6 to 7 year old boy, I paid my first pilgrimage to this shrine and witnessed some political acitivity there. During subsequent visits, I found one or the other leader addressing the pilgrims. Sometimes the very content of the preacher's sermon or the tune of the loud prayers of the "Displayers", had a political colour. It evoked in me a desire to understand the extra-religious activities of this Dargah.

In 1958 I had become close to Sheikh Mohammad Abdullah and heard every sentence of the two memorable speeches delivered by that tall figure of Kashmir from Hazratbal. I also witnessed the hooliganism indulged in by supporters of the late G.M. Bakshi in that congregation. It was here that Mohiuddin Bandi was killed, the murder which became

the cause of the Hazratbal murder case. Later I was associated with the commital and trial of that case as a defence lawyer. In December 1963, when Moi-Muqqadas was displaced, I had just joined as Munsif Magistrate and witnessed all the important events during that movement. After the recovery of Moi-Muqqadas, the late Malik Ghulam Rasool, D.I.G., Kashmir Police, as officer-in-charge of this recovered property, would supervise the legal formalities at every display in the presence of a magistrate. I was present on four occasions.

Just a few days before the siege of 1993, I was nominated as a Trustee of the J&K Muslim Auqaf Trust, which is responsible for the management of shrines, including the Hazratbal. Destiny provided me with several opportunities to witness closely, directly and indirectly, all important events relating to Hazratbal for the last five decades. It is thus that I claim authenticity to every incident, even in minute details which I have included in this work.

I have also benefited from many rare manuscripts left by my grandfather, the late Ghulam Mohammad Muqiem (1860-1919). Readers will miss the recent happenings involving the Hazratbal shrine. The book covers a definite period from April 10, 1700 to December 31, 1995 but does not include the events of 1996. A separate chapter entitled "Hazratbal During 1996" will be added to the second edition. The book makes precise and relevant references to eight elections from 1951 to 1987. The reader may be interested to know the full details of these elections but it is not in the preview of this work. However, the second in the series, ***Bliss N Blaze*** (which enfolds the political suffocation of J & K through Charar-i-Sharief) contains a detailed discussion in a chapter entitled "Elections in J&K : 1934 to 1996". The Indian government accused Pakistan of manipulating and executing through Major Must Gul, the occupation of that shrine and the town of Charar-i-Sharief to sabotage the process of elections. Hence, a discussion on the elections in J&K is logically relevant in that work.

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ACKNOWLEDGEMENTS

I am much obliged to the Chief Librarian of Jamia Millia, New Delhi, who provided me with all the facilities to study the histories of Bejapur, Tariekh-i-Farishta and the Mughal history of Alamgir's period.

A chance meeting with Dr. M. C. Joshi, ex-Director-General, the Archaeological Survey of India (ASI) provided valuable facts and information about the journey of Moi-Muqqadas. I am indebted to him and wish to express my sincere thanks.

I am also grateful to the Library staff of ASI, New Delhi, who allowed me to peruse the "Monuments of Delhi" known as the Zafar Hassan papers. Mr. Ghulam Hassan Bandi II of Hazratbal deserves my appreciation as he provided me with xeroxed copies of whatever material he had inherited.

Finally, I thank my friend, Mr. H.K. Kaul, Director, DELNET, an illustrious son of Kashmir and a reputed Indo-Anglian poet, for the help he gave me in the publication of this book.

My dynamic and energetic publisher, Ms. Mayuri Kaul of Virgo Publications, has left no stone unturned to make this book both attractive and memorable. Ms. Rakshanda Jalil has read the manuscript with care and her suggestions have added value to my labour.

Thanks are due to the management and concerned contributors to the two leading news and views journals of India, the *Frontline,* Chennai and *India Today*, New Delhi. Valuable quotes borrowed from these journals provided logical fervour to my discussions. Several Urdu dailies of Srinagar such as *Srinagar Times*, *Aftab*, *Afaq* and *Nidai Mashria* deserve my thanks.

The book of Mr. G. R. Bhat entitled "*Extracts from the Histories of Kashmir*" facilitated my job. He deserves my thanks. Mr. Meeraj-

ud-Din of Srinagar Press Enclave, has provided the cover photo. I am thankful to him.

My friend Meerajuddin and my son Shahwar deserve my thanks. Meeraj provided material from Folk about Hazratbal and Shahwar assisted me in the preparation of the book and has read its proofs.

G. N. Gauhar

CHAPTER I

HAZRATBAL—THE SITE OF REVERENCE

The name 'Hazratbal' consists of two words, "Hazrat" and "Bal". The first is an Arabic word and the second pure Kashmiri. Hazratbal, literally, means "a locality developed on a river bank in memory of Prophet Mohammed (PBUH)". "Bal" in the Kashmiri lexicon has two meanings. Firstly, it means strength, vigour or power. Secondly, it means a ferry, a bathing place on a river or a locality developed on a river bank or in the close vicinity of a lake or by the side of a spring. It is an abbreviation of "Yarbal" and is used variously as "Bal" or "Yar". Localities which have sprung up close to rivers, lakes or springs are usually named by affixing their names with either "Yar" or "Yarbal" or only with "Bal", since there are many places named to indicate their proximity to water. It is pertinent to delve deeper into the origin of the land of Kashmir itself. According to the *Nilamata Purana*, the legend goes :

"The land of Kashmir was occupied for six Manvantras since the beginning of Kalpa by a vast lake six yojnas long and three yojnas wide called Satisara. In the seventh Manvantra, the water of the lake was drained off through an outlet made with a plough by Ananta on the order of Vishnu who along with other gods and goddesses, had come there to kill the demon Jalodh Bava, one who was invincible in the waters. The story goes on to say how, after the death of Jalodh Bava, the Pisacas and the descendents of Manu were settled there by Kasyapa to live in the company of the Nagas, the original inhabitants of the valley."[1]

Many other theories are now being projected but relevant to my theme is the extract given above which shows that the valley was a vast lake. Naturally, the main form of communication was through water and so the earliest inhabitations sprang up near river banks.

The first part of the name Hazratbal, means 'revered, respected and honourable' in Arabic. Though every prophet, saint or martyr's name is usually prefixed by Hazrat, such as Hazrat Isa (Revered Jesus), Hazrat Hussain or Hazrat Shiekh Abdul Qadir Geelani, the word "Hazrat" is a specific reference to Hazrat Mohammad, the Prophet (PBUH).

To fully appreciate the gamut of love and reverence contained in the name, Hazratbal, a precise background of Islam in Kashmir with specific reference to the passionate devotion inspired by the Prophet, needs a description of some length.

It is commonly known that Islam entered Kashmir some time in the fourteenth century and that too, primarily through the efforts of mystic saints. However, certain new evidence is emerging which shows that Islam had actually taken deep roots in Kashmir society much earlier, than hitherto believed. Historical events report that after the devastation let loose by the Tartar conqueror, Zulcho, in 1321 (who destroyed lakhs of inhabitants), Kashmir was balkanised into tiny states. Misrule became the destiny of Kashmir and consequently cowardice, hypocrisy, laziness, deceit and other vices dominated its populace. However, though their valour was robbed by the tyranny of foreign aggressors, their urge for a better code of moral conduct and their endeavours towards attaining a superior spiritual cult remained unabated. Kalhana, the great historian of Kashmir from the mid-twelfth century, had delved deep into the Kashmiri psyche and had rightly observed that "no power can conquer Kashmir except the superior way of life".

The terror wrought by Zulcho was facilitated by the forces of disunity which had infiltrated deep in the Kashmiri socio-political life and especially among the clergy. The aftermath of this game of terror did not spare the community of Brahmins who had fallen a petty prey to the lure of power. It is reported that the rulers of the Lohara dynasty who ruled upto 1321, had become an easy pawn in the various court intrigues and royal feuds which had made the political uncertainty the only certainty in Kashmir politics. In this state of continued strife, an exiled and defeated prince from Ladakh emerged to gain the maximum benefit from the situation.

Legendary anecdotes have been woven around the conversion of King Ranchan to Islam but there are strong circumstances which reveal that Islam had already penetrated the socio-religious life of

Kashmir at this hour of cultural transition. Before highlighting these circumstances, let me give a narration of events as they are stated in the chronicles recorded immediately after the dawn of the Shahmir dynasty (1339-1540).

Syed Abdul Rehman Bulbul Shah, a Suhrawardy saint, paid a visit to this paradise on earth in the year 1320. The authorship of an Arabic verse is attributed to Syed Shahabud-din Suhrawardy, the leader of the Suhrawardy mystic order, who lived in Baghdad. He had never visited Kashmir yet he praises its beauty in fulsome words :

Kashmir is a paradise on earth
Its inhabitants are Huries of Heaven.

Influenced by the saying of his leader, Syed Bulbul Shah must have visited Kashmir. Here he made direct approaches to the ruler, King Ranchan. It is under his influence that the King embraced Islam and was named Sultan Sader-ud-din. As the first Muslim monarch, he ruled this land only for a few years. He married the widow of a Hindu Maharaja known as Kota Rani. She had a son from her earlier husband. After the death of Sultan Sader-ud-din in 1323, events took a swift and dramatic change as has been detailed in various histories.

The historian Hassan[2], in the second and third volumes of the *History of Kashmir* attributes the revolutionary change in Ranchan's mind more to an accident rather than to any close contact with Bulbul Shah. According to popular legend, the disgusted King Ranchan prayed one full night to be guided on the right path and in the morning he found, across the bank of the river, Bulbul Shah weeping and praying to his Lord. He was impressed by the way of life which the man on the other bank of the river had adopted for himself. This account, after being tested on the touchstone of logic and reason, appears somewhat unacceptable. There must have been stronger reasons which motivated Ranchan to embrace another religion. He was ruling a strife-torn country which was different from his own race, religion and language. He had no social base in Kashmir; he had simply usurped power from the rightful heirs of the crown and was surrounded by intrigue. In such a situation, a politically savvy man who had risen from the rank of an ordinary state employee (and that too in an alien land), could never embark upon an adventure which might make his position more vulnerable.

It is, therefore, logically inferred that Ranchan had, besides spiritual solace (in embracing a new religion), a political design too. This could be so only if the new religion had already acquired some foothold in the socio-political fabric of his country. It is therefore, pertinent to discuss certain points which provide a basis to the theory that Islam had started influencing the thinking of the Kashmiri people much before the conversion of Ranchan and Ranchan's conversion itself was not a culmination but only a milestone in a remarkable process of transformation. The arrival of Bulbul Shah in early 1320 and the extensive tour of Syed Ali Hamdani in the later part of the fourteenth century, respectively, consolidated the scattered impact of Islam in Kashmir and revolutionised the political, social, economic and cultural set-up. Till Syed Ali Hamdani's arrival during the reign of Sultan Qutub-ud-din, the impact of Islam had already caused a stir in the minds of both the commoner and the elite. The revolutionary preaching of Syed Bulbul Shah channelised the changing perception in the desired direction. This assumption pre-supposes the presence of Islam and Muslim influence much before the conversion of Ranchan. Certain circumstances are sufficient indicators in this direction which invite exhaustive research to rewrite the history of Islam in Kashmir.

Pieces of circumstantial evidence which, along with providing a cohesive link to one another, form a strong basis for the assumption that Islam had penetrated into the inquisitive mind of the Kashmiri before the tenth century. Even if we delve deeper into historical facts and do a comparative study of the histories of the adjoining states of Kashmir, both in its south and north, sufficient material will be traced to establish the theory that Islam reached Kashmir even at the end of the eighth century. Kashmir had long-established contacts with Sindh and it is due to these factors that Raja Dahir's son took refuge in Kashmir when his father was defeated at the hands of Mohammed Bin Qasim in 713. It is also reported that a Syrian Muslim, Hamim Bin Saam, also settled in Kashmir during this period and had a mosque constructed in this country. Without some local following he would obviously not have been able to do so.

Sultan Mehmood of Gaznavi made two attempts in the tenth century to conquer Kashmir but failed on both occasions. Yet it is recorded that in spite of his failures he left his imprint on the borders of Kashmir and such an influence could not leave the country unaffected. It is also

reported that during his second attack on Kashmir, Mehmood Gaznavi came in contact with a Muslim saint, Ruma[3] Reshi, who the patron-saint of Kashmir, Sheikh Noor-ud-din, calls the fifth Reshi of the world and the third Muslim saint of Kashmir. Giving his own spiritual genealogy, the Sheikh (1377-1448) says:

The first Reshi is Ahmad (PBUH)
The second was Owais of Quaran[4]
The third came Zalka[5]
And the fourth was Plaas[6]
The fifth is Ruma and sixth Meeran
Seventh is ignored[7]
Who am I?? What is my name??

On the basis of other verses of the Sheikh, the historian Hassan Shah provides an account of the pre-Sheikh, Reshi saints of Kashmir. He acknowledges that Meeran Reshi had given a piece of his rag to Mehmood of Gaznavi which the latter stitched to his flag. According to Sheikh Noor-ud-din, Meeran Reshi followed his master Ruma Reshi, and lived for eighty years as an ascetic on the hills near the present Safapora surrounding the Manasbal lake. The guide and teacher of Ruma was Zalka, who lived as a hermit in a forest, Dandak Wana, now in and around Rafiabad in District Baramulla. Zalka had a direct spiritual lineage dating to the Prophet Mohammed through Owais of Quaran. Against this background it is more than clear that the Muslim saints had lived and practised gnosticism in Kashmir immediately with the spread of Islam beyond the Arabian Sea and the Khyber Pass.

The practice of Muslim Reshi saints was quite similar to that of local spiritual values under the influence of Buddhism and Shiva Bhakth. Kashmiris were deeply committed to the practices of day and night meditation, vegetarianism, self-mortification and performance of miracles. Reshis adopted the same exterior for their meditation but their religious content was purely Islamic with an additional emphasis on love for the Prophet.

The historian Kalhan, could not restrain his resentment against King Harsha (1026-39) whom he dubbed *Turuska* (Mussalman).[8] His policies sufficiently show that he was influenced by Muslim teachings and was opposed to idolatory. Practices of Harsha further show that he did not believe in plurality rather, he adhered to monotheism or

Tawheed as enunciated according to Quranic teachings. He was even accused of having destroyed many places of Hindu worship. So he was also dubbed an iconoclast. Though it is more likely to be attributable to his lust for wealth, his belief in the oneness of God has been the dominant factor in shaping his temperament. It is thus more than evident that by the eleventh century the teachings of Islam had infiltrated into the sovereign Kashmiri mind as well. It is also borne by records that many commanders and the generals in the army of Harsha Deva were Muslims. Thus, both Islamic teachings and Muslim presence entered into public life much earlier than the conversion of King Ranchan.

An event from Sindhi history left an immense impact upon Kashmiri history. It is necessary to quote the following excerpt to illustrate my point :

"During the reign of Abdullah Bin Umar, on the request of the Maharaja of Kashmir a scholar, originally from Iraq and settled in Sindh, was deputed to Kashmir and translated the Quran in the prevalent Hindi language for the Maharaja. When he recited the translation of some verses from *Sura Yaasin* (Chapter 36), the Maharaja wept bitterly, fell prostrate on the ground and embraced Islam."

Abdullah Bin Umar ascended the throne of Sindh in 886 and died in 914. His contemporary monarch of Kashmir was either Raja Samgrampid or Jayapid Brahaspati. Professor Dr. Mohammed Masood Akhter in *The Role of the Saints in Preaching and Spread of Islam in the Sub-continent* for the 1988 diary of Pakistan's Habib Bank, opines :

"Probably it must be the first ever complete rendering of the Quran in any non-Arabic language."

So far it is known that Sharfud-din Saidi Shirazi[9] is the first scholar to have completed the Persian translation of the Quran before his death in 1291. Recent research *prima facie* establishes that prior to Saidi's translation was that of Fathullah of Kashmir completed in 1237 but the Hindavi translation of this Sindhi scholar for the Maharaja of Kashmir takes precedence on both these traceable translations of the Quran. The incident relating to the Maharaja was not of an ordinary magnitude and that too for the inquisitive Kashmiri mind, which has always remained in constant search for a better way of life, a higher spiritual order and has particularly remained open to deeply-felt conviction.

The impact which the recitation of the Quran left upon the Maharaja must have naturally also left some imprint on the thinking and intellect of the common people. Hence the urge to know the Quran and find out more about Islam would have naturally dominated the public mind in Kashmir.

Another reference to the Quran in Kashmiri history is particularly relevant to this book. In the recent past a rare manuscript of a neatly calligraphed Quran in a Persian translation has caught the attention of scholars throughout the sub-continent. The J&K Academy of Art, Culture and Languages has obtained possession of this manuscript which has been written by one Fathullah of Kashmir in 635 AH (1237 AD). It appears that the scribe has himself translated it into Persian languages. The scribe has recorded his name and year of inscription after completing almost half of the holy book. Its last pages are not intact so the colophon at the end is missing.

It is also a historical fact that the ruler of Kashmir, Lakhmish Deva, who ascended the throne in 1273, was defeated and killed by a Turkish Muslim, Khamila, in 1286 but no ripples are detected in the commotion of the river Jhelum. Why? The logical reply is that the society of Kashmir had already undergone a transformation into a plural society and Muslims had become a part of it, if not a dominant factor. Hence, no reaction was noticed.

After plunder, devastation and wholesale killing in Kashmir, Zulchu left with a considerable booty, prisoners of war and a good number of damsels but nature took revenge on him. The Kashmiri is sufficiently cunning and when his valour is defeated, his wisdom comes to his rescue. The prisoners of Zulchu, unmindful of their own lives, led him to descend through the Pir Panchal range of hills at the dawn of winter. This track is prone to risks due to heavy snowfall.

Winter had just started. The caravan, while descending on the other side of the hills, was met by a cyclone and the whole army of Zulchu was buried in snow along with the prisoners and the booty. However, thousands had earlier deserted his army. They were brought back to Kashmir by Syed Bulbul Shah and became his disciples. It is but natural that Ranchan must have utilized this Muslim army of a thousand fugitives to consolidate his rule but nonetheless, even with the help of this number of ex-soldiers, an

exiled prince who was himself a Mongol could not easily dominate an Aryan state of people with such pride in their race. Ranchan had to converse in an alien tongue. He had no social kinship formed from deep roots in Kashmir. He depended solely upon the aid and assistance of a Muslim general, Shah Mir, who was himself an infiltrator in this country. It is against this background that reason does not permit that a wise careerist such as Ranchan could convert to Islam without finding in it, besides spiritual contentment, the possibility of imminent and swift political gains.

Shah Mir, too, could not expect such a swift rise unless he had a background, a local base and a committed chunk in the army as well as among political lobbies. Both the aliens, Ranchan and Shah Mir, could not rise dramatically merely on the negative footing of dissension in the Darbar. They did, of course, exploit the disunity among the ruling class but the secret of their meteoric rise lies somewhere else. Locals would not support foreigners and that too those belonging to an alien religion. Hindus could not have, as against their fellow co-religionists, supported two alien Muslims and one of them so recently converted. All these circumstances coupled with the above referred historical facts lead us to only one conclusion, namely that by 1320 Kashmir was not merely a Hindu society. The Muslims had become a decisive component of Kashmiri society and their infiltration in the armed forces was a foregone conclusion. It is also worth mentioning that Zone Raza writes in his history that Shah Mir entered into matrimonial alliances with a number of feudal lords. Who were they? The co-religionists of Shah Mir, in all likelihood.

Here a question arises and genuinely so: Why is Syed Ali Hamdani called the "Founder of Islam in Kashmir"?[10] All the chronicles available are unanimous that it is Mir Syed Ali Hamdani (died 1389) who made mass conversions to Islam. It is unfortunate that Persian histories written during the fourteenth and fifteenth centuries are not extant but later accounts attribute the Islamisation of Kashmir solely to the missionary efforts of Mir Syed Ali Hamdani.

Qutub-ud-din, a great warrior, the second in Kashmiri history after Maharaja Lalta Datiya[11] and a scion of the Shahmir Sultanate, had expanded the borders of his country, both in the south and north. Yet, it was Syed Ali Hamdani, known as Amir Kabir or Amir, who consolidated all the previous efforts, expanded the missionary zeal, made considerable

contribution to mass conversion and is thus rightly called the "Founder of Islam in Kashmir".

Amir was another great Sufi saint who lead the Kubrawi mystic cult. His companions, who had established their centres of propagation much before his arrival or those who accompanied him or who came after him with his illustrious son, Mir Mohammed (1372-1450), all were saints of a high order. It was because of their day and night meditation, their miracles and sincerity of approach, that thousands of Kashmiris were converted to Islam. There was no state contribution in this process. In exchange for a precious diamond from the King, Amir purchased a piece of land on the bank of the river Jhelum for meditation on which the Khanquahi Molla of Srinagar now stands. Thus it was pure spiritual activity with which the Amir and his companions and successors transformed Kashmiri society.

As hinted earlier, an indigenously Kashmiri type of Reshi cult had become the base of Muslim society in Kashmir. Much before Amir, eminent Muslim Reshis like Zalka Reshi, Meeran Reshi, Ruma Reshi, Plaas Reshi, Yasman Reshi, Khalsaman Reshi and a host of others had spread their spiritual orders throughout the nooks and crannies of Kashmir. Similar to the manner in which Amir collated, consolidated and organized the fruits of Syed missionaries and converted their individual efforts into a disciplined *Jamaat* (party), Sheikh Noor-ud-din consolidated the result of the efforts of his predecessor Reshis, made Reshiism a distinguishable mystic cult and the Reshi movement a disciplined cadre-based and programme-oriented organization. Similarly, Sheikh Noor-ud-din was called the Founder of the Reshi Movement (Sir Halqai Reeshyaan). The *Jamaats* (parties) formed by their respective disciples had a single purpose, one goal and definite path to reach the destination. Both the disciplines worked to imbibe the real teachings of Islam in the thought and action of every Kashmiri. The only difference was that the Reshi movement distinguishably carried on with the Kashmiri tradition of piety and spirituality.

On the basis of the above, I can say with some certainty that the first disciplined Muslim society in Kashmir which came into being in the fourteenth and fifteenth centuries was based on the mystic thought of which the love for Prophet Mohammad was the *sine qua non*. Both Syed Ali Hamdani and Sheikh Noor-ud-din were primarily sincere and true lovers of the Prophet. Though the two

pre-requisites of a true Mussalman are to worship one God and love his Prophet, the Sufis and saints who seek pleasures and proximity with their beloved, model their lives strictly in accordance with his commandments. Their practices are reflected through their verses. The poetry of both Syed Hamdani and Sheikh Noor-ud-din, one in Persian and the other in Kashmiri, is replete with such emotions.

The verses of the Sheikh laid a lasting foundation for *Naat* poetry[12] in the Kashmiri language. In this, too, the love for the Prophet remained the dominant strain. The distance from Kashmir to Medina, lack of means of communication and acute poverty among the masses made the pangs of separation from the Holy Land more severe and intolerable. This sentimental longing made the devotees yearn for a befitting memorial to quench their inner thirst. This strain is evident in much of *Naat* literature composed in both Persian and Kashmiri.

It is against this background of passionate devotion and intense yearning for a tangible relic of the Prophet that a dedicated follower, Haji Noor-ud-din of Ishbara, sacrificed his assets and life to acquire the holy relic.

The Moi-Muqqadas (a hair, said to belong to the Prophet PBUH) was first housed in Khanquahi Naqashband in the midst of the city of Srinagar and then put in the beautiful pleasure house amidst the orchard of the Mughal lord, Sadiq Khan, situated on the bank of the Dal Lake facing the east towards the sylvan setting of Zabarvan. The world-famous Mughal gardens, Shalimar and Nishat Bagh, adorn the skirt of this hill. On the west its dazzling image is reflected in the azure waters of Anchar Lake. In the south it is lulled by the picturesque surroundings of Nagin Lake and in the north the magnificent fortress of Parganai Laar acted as its watch and ward.

Human habitation soon sprang up around this orchard of Sadiq Khan and the locality was named and cherished in loving memory of Prophet Mohammad. The shrine area was specifically called Aasari-Sharief but over the years, the holy relic and the full name of the place evolved as Dargahi Aasari-Sharief of Hazratbal. To the common people today, it is the much loved Dargah, and one that they swear by.

NOTES

1. *Nilamata Purana* is the ancient Sanskrit history of Tirthas of Kashmir. English translation by Ved Kumari. Delhi: Motilal Banarsidas, 1974.

2. Peer Ghulam Hassan Shah Khoihami from village Gamro of Tehsil Bandipora wrote the *History of Kashmir* in Persian in three volumes from the earliest period upto the rule of Maharaja Sri Pratab Singh. It was completed during the first decade of the present century. This monumental work was purchased by the State Research Department some time in the early fifties. For details read *Hassan: A Histrographer* by Dr. Manzoor A. Fazli, Gulshan Publishing House, Srinagar.

3. According to Shiekh Noor-ud-din, Ruma was the fifth Reshi and the third eminent Muslim saint from Kashmir.

4. Owais of Quaran was a contemporary of the Prophet, who lived an ascetic life and never presented himself before his beloved. He was martyred during the war between Ali and Mauyia.

5. Zalka Reshi was the first Muslim Reshi saint of Kashmir.

6. For details please see *Shiekh Noor-ud-din Wali* (English), MIL, Sahitya Academy pp 5 to 7.

7. Meeran was the sixth Reshi. He too was, according to Hassan's history, a contemporary of Mehmood Gaznavi.

8. Kalhan's *Rajtarangni*, English Translation by S. Pandit, Sahitya Akademy, New Delhi.

9. Saidi Shirazi, an outstanding Persian literateur who travelled widely and lived from 1209 to 1292.

10. Syed Ali Hamdani. See Note 10 of Chapter III.

11. Lalta Datiya was a great king of Kashmir who ascended the throne in 754 Bikrimi.

12. Read Chapter XI—Poetry—First three paras.

CHAPTER II

MOI-MUQQADAS—LEGEND AND HISTORY

In the early periods of Muslim history we find that people were most rational when it came to accepting or rejecting a certain fact. Reason was the main and most important touchstone to accept or reject even *Hadis*, the sayings of the Prophet Mohammad. Only such *Hadis*, would be accepted as genuine which had an unimpeachable continuity of reporters and were thus, entirely reliable. But, unfortunately, with the passage of time, critical appreciation and inquisitive sifting of facts were sacrificed to emotionalism. The people of Kashmir initially accepted the genuineness of the holy relic in their midst on the basis of convincing reports and spiritual testimony. Later generations, however, followed the tradition without preserving any records about either. On its arrival in Kashmir, people from all walks of public life—commoners, scholars and contemporary saints—accepted its authenticity and offered such a reception to it which till then was unheard of and unrecorded in the pages of history. Though before the arrival of this holy relic, two similar relics had already been brought into this country, their presence had not invited such widespread public attraction. The sudden and overwhelming adoration which preceded its arrival in Kashmir shows that emotion had played a vital part. Initially the inquisitive Kashmiri mind probed its history. Contemporary saints were approached to seek spiritual guidance on the issue, and it was only later that emotion superseded reason and so the historical material was lost in oblivion.

Let us first be clear about the historical aspects.

The holy relic entered Kashmir at the end of the seventeenth century and its first public manifestation was made in the first spring of the eighteenth century, i.e., 5th of April, 1700. Shiekh Mohammed Radoo Chisti (popularly known as Shiekh Baba) was a saint of wide recognition, who himself went upto Herapur[1] to receive it and was one of the bearers

of the palanquin in which it was kept in a sandalwood box. He became its first *'Nishan Deh'*.

Mirza Qalandar Baeg, a poet, was fondly attached to Shiekh Baba and on his direction versified the story behind this relic. He also gave an eyewitness account of its arrival in Kashmir. The poem was completed within three months of the first glimpse of the relic in Kashmir and is entitled *Hujjati Qasira*. It is in the *Masnavi* genre.

Thematically it consists of two parts. In its first part the poet gives details as to how the relic came to the possession of Haji Noor-ud-din Ishbari who brought it to Kashmir. The second part relates to the reception accorded to it by the masses and the immediate effect of its first sight upon the Kashmiri people. It was first housed in the midst of the city at the Khanquahi Naqashabandi in Nawhatta area and thereafter was shifted to its present site, Hazratbal. The poem lucidly describes the rush of people en route from Herapur to Nawhatta covering a distance of 100 kms and details of a few deaths caused due to a stampede at its first sight. The picturesque description of Bagh Sadiq Khan (present Hazratbal) makes this poem a beautiful piece of descriptive poetry. While giving the background of the transfer of Moi-Muqqadas to Haji Ishbari, Qalandar Baeg has not taken the trouble to mention his sources. Let me now quote the story as Baeg has versified it in his poem :

> "My spiritual guide, Hazrati Sheikh Mohammed Radoo Chisti, has directed me to versify the arrival of the Moi-Sharief. I was happy to get this direction. I have performed no pious act which would give me succour in the world hereafter. This Moi-Sharief had come to the possession of Imam Hassan (the grandson of the Prophet) and from him it devolved to the dynasty in charge of the management of the Prophet's shrine at Medina and in 1634 AD the charge rested with Syed Abdulla who had, therefore, the privilege to possess some important relics. including this one. In 1635 a dispute arose between him and his cousin, Syed Hashim, of which the Sultan of Turkey took cognizance, and summoned Syed Abdulla before him. Syed Abdulla disobeyed the orders and to avoid the royal wrath he either migrated from Medina or was exiled. He undertook a journey towards India via Basra and after two years reached Bejapur in South India. During this

journey he had with him three assets, all three dearer than his own life, which included one strand of hair of the Prophet, the saddle of the horse of Ali (the fourth Khalifa and son-in-law of the Prophet) and his turban.

Syed Abdulla lived with honour at Bejapur and was granted a jagir as well. After spending 23 years there, he passed away and his son Syed Hamid succeeded him. In 1693-94 Aurangzeb conquered Bejapur and in consequence Syed Hamid, who was closely connected with the previous regime, lost his position. He came to Delhi to plead for the recovery of his jagir where he fell under a huge debt and came in contact with Khwaja Noor-ud-din Ashwari who was a trader at Shahjehanabad (Delhi). Syed Hamid was unable to liquidate the debt. The trader Ashwari, offered him huge sums to repay his debts but in exchange demanded one of the holy relics.

On the same night the Prophet appeared in a dream to Syed Hamid and directed him to fulfil the desire of the Khwaja. In the morning, Syed Hamid called on the Khwaja, informed him of the spiritual direction and asked him to choose either of the relics. Mad with joy, the Khwaja specifically chose the Moi-Muqqadas. Syed Hamid entrusted the charge of this precious treasure to him along with his special servant, Maydanish, who had charge of this holy relic. In return, the Khwaja paid a huge sum of money and delivered precious gifts and left Delhi for Srinagar. On the arrival of his caravan at Lahore, people thronged to have a glimpse of the relic.

Aurangzeb happened to be on a visit to Lahore at that time. He also heard about the relic being carried to Kashmir and summoned the Khwaja before him. He took the holy relic from him, saw it and was satisfied about its authenticity. He also sought confirmation from his spiritual guide, Shah Abu Saleh, and other scholars of the time. Their opinion further confirmed his belief and the glimpse of this relic left an indelible impression upon the emperor. After being spiritually satisfied, he made other tests to confirm its authenticity. Firstly, he threw it in fire where it remained unaffected. He then kept the

relic exposed to sunlight but it did not cast its shade upon the earth and thirdly, when the sacred hair was put on honey exposed on a sheet of paper, no fly touched upon it. The Kashmiri Khwaja showed utter reluctance to hand over the relic to the monarch but the emperor tried to persuade him with the argument that as a trader he had to travel from one place to another and so would be unable to discharge the required respect and reverence to the relic. When that argument failed, Alamgir snatched the relic from him and decided to keep it in the holy shrine of Ajmer.

This deprivation deeply upset Khwaja who fell ill. He made a will with the slave Maydanish that as he had acquired the holy relic out of his deep love and respect and for the benefit of his poor countrymen but could not achieve the goal; he should therefore, be buried at the place where this holy relic finally rests. Weeping and wailing day and night, the Khwaja died because he could not bear the thought of separation from his beloved relic. The emperor ordered that the relic be carried to the shrine of Ajmer and be deposited there. On the one hand where it gave immense pleasure to the people of Ajmer, it also caused lot of distress in Lahore. The people of Lahore organized a high level delegation to call on the emperor and to press him to keep the holy relic in their town. On the other hand the people of Ajmer (the burial place of Khwaja Moin-ud-din Chisti), staked their superior claims to receive the holy relic. Meanwhile the slave Maydanish was making efforts to approach the emperor to inform him about the death of Khwaja Noor-ud-din and about his will, when he received a summons from the emperor's court. He found Alamgir in a happy frame of mind. Expressing his unbounded joy, the emperor informed the slave in charge of this holy relic that he had the privilege of seeing the Holy Prophet (PBUH) in a dream alongwith his four caliphs. The king asked, "To which destination is the holy caravan determined to proceed?"

"We are going to Shahjehanahad but you have disappointed our lover and devotee Khwaja

Noor-ud-din. Hence you are directed to assist him in the fulfilment of his aspirations." And so the emperor told Maydanish :

"You are directed to produce Khwaja Noor-ud-din in this court."

"Sir, as your honour ordered the relic to be taken to Ajmer, the Khwaja could not tolerate the separation and consequently died. He has expressed his last wish, Sir that he be buried only near such a place where the holy relic is finally kept."

"Well, Maydanish, I have received directions in my dream that the Moi-Sharief should be carried to Kashmir," said Aurangzeb. "Hence you are allowed to carry the relic with full honours and should also carry the dead body of the Khwaja for burial in Kashmir at the place where the relic is finally kept."

Therefore, according to the royal decree, the holy relic was kept in a specially designed sandalwood box which was carried in a specially decorated palanquin. The palanquin was carried under an umbrella. The caravan started from Lahore on Saturday, the day of Shabi Qadar (26th of Syam) 1110 AH (corresponding to 10 March, 1700). The nobility of Lahore, courtiers and commoners, bade farewell to the relic by reciting *Darood*[2] (Blessings) on the Prophet. The caravan was warmly received everywhere in the course of its long journey. At Herapur, Shopian, a big crowd of people collected to receive it. It reached Kashmir on Friday, 5 April, 1700.

Faazil Khan, the Mughal Governor of Kashmir, ordered that the relic be deposited in Khanquahi Naqashbandi where lakhs of people assembled to catch a glimpse of it. The Governor found that the heavy rush of people could not be controlled at a narrow place in the centre of town where the Khanquah was situated and hence called an assembly of wise scholars and spiritualists. It was finally decided that the orchard of Sadiq Khan, situated on the bank of the Dal lake where he had a beautifully designed bungalow in its centre, be acquired

for the purpose of housing the relic. The edifice had been newly constructed for the emperor Shahjehan when he had paid a single visit and offered *Namaz* in it. Enchanted by the serene atmosphere of the place, the late emperor had ordered that the house should be used as a mosque or a centre of meditation. Hence the place became destined to adorn in its bosom a part of the Prophet's body (PBUH). The only daughter of Khwaja Noor-ud-din, Anayat Begum, purchased this orchard and buried her dead father among its shaded groves. The place was called Aasari Sharief.

Finally, the Governor received a firman from the emperor directing him to convert the building into a regular mosque and allot a jagir to it. The order was implemented and a tradition of recitation of the Quran and *Darood* become a daily routine every morning and evening under royal decree. The son-in-law of Khwaja Noor-ud-din, Bulaqi Bandi, was appointed the *Mutawali* (manager) of the shrine. Additional allotments were ordered for defraying the expenses of boarding and lodging of pilgrims. Khwaja Bulaqi Bandi could not, in due humility, dare to exhibit to the eager people a glimpse of this great relic and so requested the well-known saint and scholar of his time, Sheikh Radoo Mohammed Chisti, the spiritual master of Qalandar Baeg, this humble author. He would apply scent to his body and dress and then display the relic kept in a glass case .... ." (Dates changed from *Hijri*)

After this poem of Mirza Qalandar Baeg, his later contemporary, the historian Khwaja Azam Dedmari, has provided a description of the arrival of the holy relic in Kashmir in his famous history *Waqati Kashmir*. He claims to have witnessed the historical occasion himself as an intelligent child of seven to eight years. He has quoted only the *Qita-Taariekh* (chonograph) separately composed by Qalandar Baeg from which its year of arrival in Kashmir is derived. The verse reads as follows :

"Kashmir Medina Bi-Shud Az Moi Nabi" (Kashmir has become Medina by the Hair of the Prophet).

Historian Dedmari has made no reference to this long poem of Baeg nor quoted him nor made any mention about the stay of Syed

Hamid in Delhi. In this account the historian, while quoting the couplet of Mirza Qalandar Baeg with stress, states :

"Qalandar Baeg, who was one of the liberal poets, had composed a *Qita Taariekh* which reads ..."

Before making a comparative study of Mirza's poem with the relevant account contained in *Waqati Kashmir* let me, for the benefit of the reader, also give the translated version of the relevant excerpt. Dedmari says :

> "During the reign of (Mughul) Governor Faazil Khan, the Almighty blessed the inhabitants of Kashmir with His blessings that the Moi-Mubarak (Auspicious Relic) arrived in Kashmir. The relic was acquired by Khwaja Noor-ud-din of Ishbara from the sons of Medina's Syed who, after migration from Arabia, had settled in Bejapur, India. At the instance of the said Khwaja, the relic was brought, along with his dead body."

Details of the poem *Hujjati Qasira* and the history *Waqati Kashmir* corroborate each other upto these simple details.

It is evident that neither of the historians (Dedmari and Quasim Manami) has followed or even referred to the *Hujjati Qasira* of Mirza Qalandar Baeg. Like Qalandar Baeg, the late Dedmari is an eyewitness of the arrival of Moi-Muqqadas. He sums up the eye-witness account of the holy relic in these words:

> "This author was then a boy of seven or eight years old. I remember in detail how at its entry in Kashmir people, men and women, reciting *Darood* with full devotion and enthusiasm came to receive it and there was a flood of men and women in every nook and corner where the holy caravan passed through. All beholders of repute, learned men of recognition, saints and *faqirs* with utmost love came to share the blessings by a mere touch of the box containing the relic. These dignitaries, with pride and pleasure, made utmost endeavours to lift on their heads the sacred box containing the relic but hardly got a chance. Qalandar Baeg, who was one of the liberal poets of the time, composed the following couplet from which the date of its arrival is derived. It

was kept in the hospices of Khwaja Moinud-Din Haadi Naqashbandi. Baba Radoo Mohammed Chisti was chosen for showing the relic to the congregation. Later on it was shifted to the orchard of Sadiq Khan situated on the bank of the Dal lake. The perfect men of spirituality and gnostics of a high order were by their contentment and intuition fully satisfied about the authenticity of this holy relic.

I have directly, without any intermediary, learnt from the leading saint of high miracles, Khwaja Noor-ud-din Mohammed Aftab Naqashbandi (May God Bless Him) that his master and guide, Khwaja Ahmad Yeswi, had pondered spiritually and made direct enquiries about this relic and in return was assured by the Prophet (PBUH):

"Yes, surely it is the part of my right tress which used to fall on my right shoulder".

"The other contemporary saints gave accounts of similar experiences,"[11] concludes Azam Dedmari.

Another historian, Haji Quasim Manami completed the history of Kashmir under the title *Gauhari Alam* in 1746, i.e. 46 years after the arrival of the relic. He, too, must have, as a small boy, witnessed this historical arrival or collected eye-witness accounts and other authentic information from his elders who had seen the event. He had delved deep in the history of the Moi-Muqqadas as he claims in this history to have authored a separate treatise under the title *Rauzatul Akhyar* in which he has condensed all material traditions of this holy strand from the time of its separation from the tresses of the Prophet till its arrival at Hazratbal. He says :

"It was acquired from Bejapur by Haji of Ishbari after untiring efforts to acquire it. But on his way from Bejapur to Kashmir he died at Delhi. He had made a will to his companions that the relic must be carried to Srinagar and he be buried in the close vicinity of the place where it rests. His heirs executed his last desires in letter and spirit."

In the details about its arrival at the Khanquah of Naqashbandi, corroborated by both Qalandar Baeg and Dedmari, the centre of the

city and then its shifting to the present site, he gives eye-witness accounts which show that he too had access to people who had witnessed this august arrival in Kashmir. However both these historians corroborate the statements of Mirza Qalandar Baeg regarding the ovation Moi-Muqqadas received at its arrival and the impact it left upon the socio-religious life of Kashmir. But both do not make any reference to the episode which, according to *Hujjati Qasira*, happened somewhere out of the territories of Kashmir. Thus, it provides an inference that either these two eminent historians of Kashmir dismissed the episode narrated in *Hujjati Qasira* as unauthentic or omitted its narration to appease the political administration. It seems that the late Dedmari dismissed this part of the *Hujjati Qasira* and considered the same either as an exaggeration or as fiction devoid of historicity. Therefore, he qualifies Mirza Qalandar Baeg as a 'liberal poet' implying thereby 'one who took liberties, with his subject, its historicity, details and narration'. This reference is the cumulative effect of several intrinsic contradictions in the Mathnavi *Hujjati Qasira*.

Firstly, it seems that the author, to suit his personal likes and dislikes, distorted certain historical facts. As a non-Kashmiri he was working under the bias that no Kashmiri could be so generous, spendthrift and dedicated as to alienate his assets to obtain one strand of hair belonging to his beloved. To him it could be done only by one from a Central Asian origin. So, he created out of his imagination a background of Ashwar village which is contradictory to its actual history. To suit his theme he says that Haji Noor-ud-din, who acquired the Moi-Muqqadas originally, hailed from a town called 'Ashwar' in Khurasan, Central Asia. According to his ill-devised theory, the forefathers of Noor-ud-din settled in Kashmir at a locality in the Pheykh area adjacent to Srinagar and this place was named after them as Ashwara. This contention is so fallacious that even an ordinary student of history must neglect it as pure distortion. Historian Hassan records that Raja Sandiman, later called "Arya Roy", constructed a great and magnificent Tiratha in village Ishbara for his spiritual leader in 36 B.C. It remains a cradle of Shaivistic teachings to this day.

The fourteenth century saint poet, Sheikh Noor-ud-din, makes a reference to this village in his didactic poem. The relevant stanza is :

Thou, Oh my Lord!
Have bestowed Thine blessing.
Upon the hermit of 'Ishbara Ashram'
As he served Thee
Bless me with the same Bliss.[3]

Thus from these few historical references it is more than established that Ishbara was a famous sacred village known much before the arrival of Islam in Kashmir and it is due to his origin that Haji Noor-ud-din was called "Ishbari".

Secondly, the anecdote regarding the death of Haji Ishbari and the suspension of his burial indefinitely till the housing of Moi-Sharief could be settled, seems implausible and self-contradictory. Qalandar Baeg records that as the emperor banned the onward journey of the holy relic, the Haji died of shock. Thereafter, the emperor ordered that the relic be housed in the shrine of Ajmer and the people of Lahore reacted vehemently against this decision.

In a dream the monarch was admonished by the holy Prophet so he revised his order and the relic was brought back from Ajmer and was ordered to be carried to Srinagar. Finally, its procession started from Lahore, on 10 March, 1700 and arrived at Srinagar on 5 April, 1700, where it was housed in Naqashbandi Khanquah. There, due to a stampede, several deaths occurred, forcing the Governor to convene a meeting of the dignitaries. An orchard belonging to Sadiq Khan was acquired where the relic was housed in Ishrat Kada (Pleasure House) and the mortal remains of the Haji were buried alongside. This anecdote leaves us guessing. The only deduction seems to be that for this entire period which could, in no case be less than a few months, the dead body remained shrouded in a coffin and was not buried till the relic was finally housed at Hazratbal. Reason rejects it as untenable and so erodes the authenticity of Qalandar Baeg's *Hujjati Qasira* to this extent.

From this background let us descend to the later years of the nineteenth century and share the narration of *Taariekh-i-Hassan*, a history of Kashmir by Peer Ghulam Hasan Khoihami. This is one of the important histories of Kashmir and can be treated as second to Pandit Kalhan's *Rajtarangni*. He has, without quoting any source, deviated both from contemporary histories like *Waqati Kashmir* and *Gauhari Alam* and from the liberal narration of the

poem *Hujjati Qasira*. Avoiding the full details contained in *Taariekh-i-Hassan's* second volume, let me only pinpoint the material deviations.

Both the authors of *Waqati Kashmir* and *Gauhari Alam* confine their narration to the extent that the relic was obtained from the heirs of Syed Abdulla at Bejapur where he had settled after his migration but Hassan goes farther and states that in the year 1024 AH the Governor of Medina, under royal decree, ordered the externment of Syed Abdulla. This is an improvement on the reports of Qalandar Baeg who only states that Syed Abdulla was summoned by the Khalifa and that he travelled towards India.

Again with both Dedmari and Manami, Hassan differs on the causes of misfortune which befell the possessor of this holy relic. Hassan states that Alamgir confiscated the jagir of the heirs of Syed Abdulla because of their association with Dara Shukoh whereas neither Dedmari nor his junior contemporary historian Qasim Manami, go into these details. However, Qalandar Baeg attributes the misfortune of the Syed family to the defeat of the Nawab of Bejapur who had patronised the Syed family.

Hassan has created a confusion. It often seems that the author Hassan has dominated over the historian Hassan.

The above discussion clearly shows that as far as details about the arrival of Moi-Muqqadas in Kashmir are concerned, the poem *Hujjati Qasira* has no lacuna. On the other hand, its first part containing the encounter between the possessor of Moi-Muqqadas (Haji Noor-ud-din) and the emperor of India in Lahore is debatable. In this context it is essential to probe contemporary Mughal records.

I have to the best of my ability and opportunity, attempted to find any reference in the histories written during the reign of Emperor Aurangzeb Alamgir or thereafter pertaining to his era but was unable to find any reference to his encounter either with any trader from Kashmir or regarding some holy relic which was then carried to Kashmir or even about any dream in which the Holy Prophet could have graced the emperor with a glimpse of himself.

It is a fact that Alamgir discouraged the maintenance of his diaries but the matter could have been contained either as an achievement of the monarch or as a criticism somewhere in a history,

treatise or documentation of that period. His aversion to the maintenance of such records has been sufficiently pinpointed by an outstanding Indian scholar, Maulana Abul Kalam Azad. In his Foreword to the versified translation of the Quatrains of Shaheed Sarmad, the Maulana writes :

> "Mirza Mohammad Kaazmi started to maintain the record of his daily orders but he had done so covering only ten years when the monarch restrained him from carrying on with the project."

However the incident narrated by Mirza Qalandar Baeg about the Moi-Muqqadas was not so ordinary a matter that could be missed either by his critics or by his fans. It could be used to highlight the unknown Kashmiri trader against the monarch and at the same time become a glorifying factor for his personality for other reasons. It was by no means an ordinary incident in the life of the dedicated and religious-minded Aurangzeb to see his beloved Prophet in a dream. Had it indeed occurred, the incident would have merited a mention in some treatise or the other. It is also borne out by historical study that Alamgir was not in the city of Lahore in 1700 AD. Against this background, the omission of such an encounter by Dedmari and Quasim Manami provide strong inferences that they did not consider such information reliable. Furthermore, Khwaja Azam Dedmari qualifies Qalandar Baeg as a liberal poet, by which he meant to convey that the poet did not confine himself to the limits of historicity and took liberties with matters of authenticity. The word 'liberal' with reference to Qalandar Baeg's poetry has no other connotations. He is not liberal with technicalities nor in his ideas. He brings Alamgir to Lahore in 1699 whereas in actual fact Alamgir was neither in Delhi nor Lahore and nor in Bejapur at that time.[4]

Before we discuss its impact on the authenticity of this holy relic we will go to Bejapur from where it has been acquired. The rich library of Jamia Millia Islamia, New Delhi provided me an opportunity to study the *History of the Kingdom of Bejapur.*[5] Unfortunately only its third volume is available which is chronologically relevant to my study. I did not find any mention of the migration of the Syed family from Medina to Bejapur. Qalandar Baeg states that Syed Abdulla migrated from Medina and settled in Bejapur where his son Syed Hamid handed over the relic to a Kashmiri trader sometime in the last days of the seventeenth

century, i.e. November or December of 1699. He also mentions that immediately after being deprived of his jagir in Bejapur, Syed Abdulla died. According to him he was deprived of his estate for his close association with the defeated Nawab of Bejapur.

Hassan states that Syed Abdulla was externed from Medina in 1024 and thereafter, probably during the reign of Ibrahim Adil Shah II, settled in Bejapur. But there is no mention in the Bejapur history of the settlement of that Syed family from Medina in Bejapur nor any mention of the arrival of any relic in that kingdom during that period. However *Taariekhi-Farishta* records the arrival of the Moi-Muqqadas in Bejapur in the month of Moharram 1005 AH first month Hijri. It was probably at the end of the sixteenth century that the Moi-Sharief entered the kingdom of Bejapur.

Farishta writes[6] :

"On the first of Muharram 1005 Hijri the news of the arrival of Mir Mohammad Saleh Hamdani reached and it was also conveyed that he had with him the sacred hair strands of Prophet Mohammed. This news caused immense pleasure to the ruler (Ibrahim Adil Shah II) .... Mir Mohammed Saleh was made the state guest and received with distinction. He was given gifts. He was pleased with the treatment meted out to him and expressed the desire that he be allowed to go to perform the Haj. While leaving he handed over two strands to the Nawab which were being displayed during every Friday night.

On the first of Muharram, the King joined the *marsiya* recitation in memory of the martyrdom of Hazrat Hussain. It was then, after one thousand and five years, that a miracle happened. The relic was contained in a case which had no hole or loose part, yet a dazzling light emanated from it."

Now pertinent questions arise as to why Mirza Qalandar Baeg composed the story of Ishbari's encounter with the emperor. If so, what prompted him to go into fantasies? Does this element of fiction impair the authenticity of the Moi-Muqqadas ?

Here again I am benefited by a comment made by Maulana Abdul Kalam Azad[7] pertaining to that very period and true to all prevalent contemporary circumstances. He writes :

"In our age some incident happens at a place and to convey it, two correspondents do not maintain uniformity in their reports prepared from a distance of a few miles. Who knows what was then the real situation and which causes and situations surrounded Alamgir."

This great scholar of the twentieth century was bewildered about how to collect material about the life of Shaheed Sarmad who was martyred in Delhi, the capital of the Mughal empire. We must keep in mind that Kashmir was inaccessible from the plains, had very little cultural contacts with the rest of the sub-continent and was surrounded by gigantic mountain ranges which buttressed the people completely. Against this background we must keep in mind that the news of the acquistion of the Moi-Muqqadas must have reached Kashmir at the most within two weeks. It might have created impatience among the masses who, for several centuries, craved for a vision of some relic of the Prophet. This impatience surcharged with the pangs of separation might have made the fertile Kashmiri brain weave some cause or the other for such delay. It is an admitted fact that the Kashmiri mind is too fertile in its creativity and originality.

These tales which were spun by the common mind must have pivoted around the themes that Alamgir was a puritan who would not allow reverence for fake relics and would have minutely sifted every shred of evidence. As he was a keen student of the Prophet's life, he knew well that neither His body nor its part could catch fire nor leave its shade on earth, nor would a fly sit on it. So the imaginative Kashmiri mind must have felt that the emperor had put the relic to all such tests, which explains why Qalandar Baeg mentions all such rumours in his poem.

However, this digression on the part of its author in no way reduces or impairs the values of *Hujjati Qasira* at least, about the local enthusiasm which the very news of the journey of the Moi-Muqqadas towards Kashmir created among all the people and the happenings which occurred from Herapur, Shopian upto Hazratbal to which Baeg was an eye-witness. At the same time, we cannot give much reliance to his narration of the facts which might have happened outside Kashmir as Mirza Baeg has not taken the trouble to peruse and assess the historical data about this event. He has recorded what he had heard. On the arrival of the Moi-Muqqadas it was commonly accepted that :

(a) Haji Noor-ud-din of village Ishbara acquired the same from a Syed family at Bejapur; and

(b) The said Syed family had migrated alongwith three relics including this one from Medina and had settled in Bejapur.

These two acts came to be so commonly and widely accepted by the people of Kashmir that two later historians, Dedmari and Manami, accepted them as gospel truth without feeling any necessity to probe further. Both assimilate these details in their own accounts.

The associate of Haji Noor-ud-din, the Keeper of the Moi-Muqqadas, the negro slave, Maydanish must have provided to the inquisitive people the record which he possessed and quoted other sources, if any. It seems that on such and similar information Manami later edited the *Rauzatul Akhyaar*.

We are again thrown in confusion by the divergent views expressed about the causes of misfortune which befell the Syed family at Bejapur. Qalandar Baeg is again led by his liberal treatment of his theme and creates a story that the Syed family was deprived of their jagir and to get the same released, Syed Hamid had come to Delhi where he came in contact with Haji of Ishbara. Quasim Manami writes that the relic was brought directly from Bejapur by Haji Ishbari but en route he died in Delhi. Later the Hindi *History of Kashmir* (authorship unknown) records that Ishbari was deputed for trade to Bejapur by Governor Faazil Khan. This is the only correct citation.

J. A. Page in the *List of Mohammadan and Hindu Monuments of Delhi* (known as "Zaffar Hassan volumes") describes a specific place somewhere near present-day Ashoka Road called Syed ki Dargha where an edifice was constructed by Rahima Banu for her spiritual master who had with him certain holy relics. Dr. M.C. Joshi, ex-Director General, Archeological Survey of India claims to have read an inscription regarding the fact that the Moi-Sharief en route to Kashmir had halted here. Further enquiries revealed that Haji Noor-ud-din died here during the last days of the seventeenth century and from this place his dead body was carried onwards. It must have been given a temporary burial either here or anywhere en route and on the final settlement of the resting-place of the Moi-Muqqadas, the body must have been exhumed and brought for burial to Hazratbal.

The Syed ki Dargha, according to entry No. 35 in the Zafar Hassan volumes, (volume II), was constructed on the 7th of Rajab 1097 AH corresponding to 30 May 1686 by Rahima Banu, daughter of Syed Mirza, to house two items of apparel said to belong to the Prophet Mohammad (SA) and his son-in-law Ali obtained from Mah Banu Khanam of the dynasty of Mir Shah Ali Hirati.

This piece of circumstantial evidence proves that Noor-ud-din Ishbari brought the relic from Bejapur and en route to Kashmir stayed at Delhi. The mention of Salah Hamdani enriching the royal treasure of Bejapur with the Moi-Muqqadas indicates that this kingdom provided sufficient incentive for Syed Abdulla to stay on. Due to external threats from Mughals and Marathas and internal disorder, Syed Abdulla could not make his fortune in this city. There were clashes of interest between the *pardesis* and *desis* (the two terms coined for Arabs, Turks and Iranians who had for long settled here and for the local converts, respectively). *Desis* would create hurdles for the new entrants from these countries and *pardesis*, too, who had for long established their hegemony, would not share the booty with new settlers from other countries. Detailing these clashing interests, Dr. Dinesh Chander Verma writes in the *History of Bejapur*[8] :

"The *pardesis* tried to assert their superiority on account of their pure Muslim origin and looked down upon the Indian converts. The Deccanies, on the other hand, thought that they had a natural right to rule their motherland."

Syed Abdulla migrated during the middle of the seventeenth century when nobles had become all-powerful. The same author comments that "they made huge additions to their jagirs by means of conquests and did not allow the state to share the benefit of their initiative." In these troubled waters it was naturally difficult for Syed Abdulla and after his death, for his son Syed Hamid, to swim safely. Hence, it is reasonably and rationally deduced that he could not make his fortune to his expectations. In order to meet the demands of their status they must have fallen in debt. This situation was further complicated by the death of Syed Abdulla and the ever-increasing Mughul pressures for the family to gain benefits from the Sultanate. By 1686 this situation had deteriorated into apathy for the lords of Bejapur, particularly for the new settler, Syed Hamid. On 9th of September, 1686 Nawab Raouf and Sharza Khan waited on Firoz Jang and settled the terms of surrender. On 12th September, 1686 the fort was handed over to the Mughuls.

These references from Bejapur history make us appreciate the constraints of the Syed family to maintain their standard of life and consequently their willingness to accept help from the Kashmiri trader. So, the transaction must have finally taken place at Bejapur. Haji of Kashmir left with his entourage and this new treasure towards his northern home.

The story of the encounter with the emperor introduced by Qalandar Baeg cannot be completely a figment of his imagination. There might have been in Mughal India, at one or the other place, some official interference, checking, enquiries, probing, though on a lower level, and such ordinary, usual and procedural wrangles became exaggerated tales among the eager Kashmiris who by nature are given to devising fables. The "liberal poet" was very swift to compose the poem to receive special attention from his spiritual master, so he did not trouble himself to sift the material.

In the light of these discussions, its comparative study which I will make with other similar relics, its impact on the course of our history—social, political and cultural—and its important miracles, together form a strong chain which leads us to only one conclusion, that this relic is a genuine one from the tresses of Prophet Mohammad (PUBH).

These ingredients are summed up succinctly and precisely, without further repetition of details, as below.

Firstly, there is a deep-rooted tradition that this relic originally came from Medina. The manager of the shrine of the Prophet brought it with him and settled in the state of Bejapur. There is also a deep-rooted tradition that Haji Noor-ud-din acquired it from the heir of Syed Abdulla. Other matters form part of recorded contemporary history.

Secondly, it is circumstantially established that the Nawabs of Bejapur had showered precious gifts upon Mir Saleh Hamadani and acquired a similar relic two decades before the departure of Syed Abdulla from Medina. This circumstance formed sufficient cause for Syed Abdulla, who had fallen on bad days, to seek prosperity in Bejapur.

Thirdly, whatever other causes, the defeat of the Bahmani Dynasty in Bejapur and its merger with Mughal India constituted a sufficient ground for misfortune to all the favourites of the last defeated ruler of that dynasty. The Syed's family had recently come under the patronage

of that dynasty, so its misfortune too was a reasonable culmination of circumstances.

Fourthly, the people of Kashmir in general and dedicated lovers of the Prophet in particular, were eagerly praying for a situation which could create for them an immemorial connection with the memory of their beloved Prophet and Haji Noor-ud-din himself was one such dedicated fan who had come to the rescue of Syed Hamid. He obtained the relic and so fulfilled the much cherished desire of the Kashmir people.

In spite of the prevalence of a situation surcharged with emotion, both local scholars and spiritualists probed into all the aspects and were satisfied about the genuineness of the relic. The connecting reports, traditions and facts were collated and collected with the arrival of this relic.

It seems that occular and other information was gathered from Maydanish, the negro slave of Syed Abdulla of Medina who had accompanied the relic to Kashmir. From the precise reference in this context made in *Gauhari Alam* of Quasim Manami, it is sufficiently gathered that the said historian, while writing the history of Kashmir, simultaneously embarked upon full-fledged research about the history of the Moi-Muqqadas and so completed a treatise called *Rauzatul Akhyar*. Spiritualists like Haji Mohammad Radho Chisti, Hazrati Ahmad Yeswi, Aftab Naqashbandi and other leading saints of Kashmir made spiritual enquiries in this regard and satisfied the people of Kashmir that there was no room for any doubt left at all.

Fifthly, the Afghan Governor, Azad Khan, who ruled from 1783 to 1785, wished to apply one of the triple tests to examine the relic's genuineness. He tried to remove it from its case while stoking flames near it but in spite of applying his full force, this strand of hair could not be moved out and in the attempt, a part of it was severed. Both parts are now intact in the case, but within a few days the Governor was killed and his head severed from his body.

Sixthly, there were several similar relics throughout the land of Kashmir and even at several other places in the sub-continent but the impact this relic from Hazratbal has left upon the cultural evolution and political revolution in Kashmir has rightly given it the appropriate epitaph of *Medina Saani*—the Second Medina.

Seventhly, the disappearance of the Hazratbal relic in December 1963 changed the course of history in Kashmir. It created a stir in the sub-continent and caused public resentment throughout the world capitals. At appropriate places throughout this book the details shall convince the inquisitive mind that such a stir would have been impossible in protest against the disappearance of any of the world's precious treasures, even of the "Kohinoor" diamond.

Eighthly, the siege of Hazratbal in the autumn of 1993 is fresh in our minds when later, we shall look at how the superpowers had to intervene behind the screen to save the situation. The situation was such that the details of the impact of this siege establish one more strong link in the chain of facts proving the genuineness of this relic.

Ninthly, the miracles attributed to this relic are a convincing circumstance in themselves to accept it as a part of the body of the Prophet (PBUH).

Lastly, its efficaciousness has cured many incurable diseases. This aspect specifically makes us believe that it is the same hair-strand which was with the wife of the Prophet (PBUH), Umi Salma. One of the junior companions of the Prophet, Anas Bin Malik, reports that whenever he fell sick, his aunt (Umi Salma) would make him drink the water in which she would dip its case and he would immediately recover from his ailment.

Triple Tests

The phrase "Triple Test" was introduced by the learned author of *Hujjati Qasira* who wrote that it had been conducted by Alamgir. As discussed earlier, it seems likely that the incidents were invented by the eagerly waiting impatient mind of the Kashmiri people on the basis of rumours about the puritan nature of the monarch. According to reliable traditions, the shade of the Prophet's body never cast a reflection on earth, no fly ever touched any part of his body and God had declared his body immune from any damage through fire. It is on these recognised traditions that people might have thought that the Moi-Muqqadas was put to all the three tests by Alamgir and they were convinced that it must have neither reflected its shade on earth when kept exposed to sunlight, nor touched by any fly though it was kept on honey and sugar, nor could it receive any damage when it was exposed to the flames of fire. These

widespread rumours made Qalandar Baeg introduce the theory of triple tests.

On the other hand, eyewitness records prove that the Afgan governor, Azad Khan tried to remove the hair-strand from its case with all his might but he was not successful in removing it. *Taariekh Farishta* records that a similar (or the same) hair-strand of the Prophet was tightly closed in a silver case and on the first of Muharram 1005 AD. when Adil Shah II of Bejapur displayed the container along with the holy relic in a congregation, a dazzling light emanated from the case. In such circumstances it was not possible for any monarch to make light shine from it regardless of his power to remove the relic from its case nor would Alamgir, a dedicated lover of the Prophet and saintly figure, dare to expose the holy relic either to sun, shade or fire. By removing it from its case there was every risk of its disappearance which Alamgir would never undertake. Critics may criticise him for the means he adopted to acquire power but as far as his religious and ascetic attitude to life is concerned, there is very little dispute. It will be later seen that the living saints of Kashmir who were called to identify the recovered relic in 1964, openly stated that they had never, in their lives, dared even to gaze upon its container. The mere vision of the case, even from a distance, leaves both an overpowering and soothing impact. It is thus hard to digest that a saintly figure like Alamgir would embark upon such a risk.

Moi-Muqqadas in the Light of the Quran and Hadis

I am conscious of my limitations and am equally aware that neither am I competent to write a biography of Mohammad nor am I attempting to do so. But it is my duty to create an awareness among the readers about the importance of this relic for the dedicated followers of the Prophet.

Maulana Mohammad Tayub of Devband has rightly said that the Prophet is the "perfect practical model of the Holy Quran". It is universally acclaimed and recognised that he revolutionised an entire mindset within the shortest period. Such men who are destined to create history and mould its course are usually gifted with exemplary abilities. Such personalities possess rare qualities of presentation and are attractive, impressive, overawing and dominating. These people are the best specimens of creation, and in this facet, too, he is rare among the rarest.

The Quran praised him as the Blessing for All The Worlds and qualified his behaviour as the *"Khuliq Azeem"*.

Similarly, the Quran showers praises upon the perfection of his mind and body. Almighty God swears in the name of Dark Night and interpreters, lovers and dedicated Muslims see it as similar to the tresses of the Prophet which were soothing like the night.

By the night as it conceals (the light)[9]
By the glorious
morning light
And by the night[10]
When it is still
By the day as it
Shows up (the Sun's) glory
by the night
As it conceals it.[11]

In these verses, the Lord swears in the face of the Prophet, shining like a sunlit morning and in his tresses, dark like night, which, when dressed, do conceal his face bright like day. With many words and verses of the Quran the lovers have drawn similarities with the curly hair of their esteemed beloved. *"Haa Meem"*, *"Ayan Seen"*, *"Bismillah"* etc. are a few examples. In this background, when the Quran itself directly or indirectly eulogises the glory of the tresses of His chosen servant, the fans are justified in loving each strand of his hair.

However it is only love and respect which such relics deserve and meet. Once this love, dedication and devotion trangresses the limits and takes any form of worship, it invites both the wrath of the God and His messenger. Hence this devotion is to be confined within the limits of *"Shara"*. Neverthless the emotional attachment to the Prophet and any or everything connected with him is but natural. The poor Kashmiri, who due to geographical and economic compulsions, had to live and die with the cherished desire to see the last abode of his beloved Prophet gets spiritual consolation and contentment by a visit to Hazratbal. Similarly, the devotees who during the cold longer nights of winter recite *Darood*, pray incessantly, weep and wail to see one glimpse of their beloved Prophet and get an opportunity to have a vision of his hair-strand on *Idi Meelad* or *Meerajun Nabi* in the shrine of Hazratbal, rightly feel the pleasures of reaching Medina.

The books of *Hadis* affirm that a devoted companion of the Prophet, Salman Farsi reported that the severed nails and shaved hair of the Prophet and all other items of refuse from his body would disappear, leaving no trace on the earth.

Zadul Maad by Allama Hafiz Ibni Qayim (1094-1154) records on the basis of several *Hadis* compilations that when in the 9th or 10th year of *Hijrat* (emigration to Medina from Mecca) the Prophet performed *Haj*, he sacrificed the animal and ordered his barber (Muammar Bin Abdulla) to shave his head. As the barber shaved the right side of his head with the knife, the Prophet enquired whether Abu Tulha was present. Finding him there, he handed over those removed hair-strands of his tress falling on his right shoulder to the said Abu Tulha. Similarly, the hair-strands of the left tress were also handed over to the same Abu Tulha and he was directed to distribute them amongst the people.

Imam Bukhary quotes the report given to him by one Usman Ibni Abdulla Ibni Mohab who was benefited by the ministrations of Umi Salma, the wife of the Prophet who lived decades after the death of her husband. He was a boy when his elders would send him with a bowl of water to Umi Salma who would dip the case containing the hair-strand of the Prophet and the medicated water would cure the patients in their house.

Another biographer of the Prophet, Marijun Nobowah, reports that the Prophet during his union with his Lord in the Night of Ascendence (*Shabi Meraj*) requested his Lord :

"Thee has bestowed six hundred wings to Gabriel. What has been bestowed upon me which could be as useful as his wings?"

"Oh! my beloved, your every strand of hair is dearer to me than six hundred wings of Gabriel and for thy each hair-strand I will forgive sins of millions of thy followers."

It is unfortunate that some people are trying to make, in vain, a conflicting situation from two *Hadis*, one quoted by Salmani Farsi and the other by Ibni Sireen through Maalik Bin Anas. According to the former, the hair and other parts of the body of the Prophet would disappear and according to the latter, the Prophet gave a handful of his hair to Abu Tulha Ansari at the last *Haj*. There is no conflict between the two. It was a rule that the shaved hair-strand of the Prophet would

disappear whereas the Prophet himself allowed an exception to the general rule.

In this background the love, dedication, devotion, mental and spiritual attachment to this Moi-Muqqadas is but natural.

Spiritual Evidence

It is to ask for the moon if we require or demand judicial proof in accordance or with the principles of laws of evidence to prove the authenticity of such relics. It is proved that the Prophet did himself distribute the removed hair-strands of his head after performing his last *Haj*. The specific place where this act of shaving took place is also established and equally is proved the identity of the person who shaved his head. It is also proved that the Prophet, in the presence of many of his companions, specially enquired for Abu Tulha Ansari of Medina, handed over to him the handful of his hair with the specific direction to distribute the treasure among the followers of Islam. It is also established that even the wife of the Prophet, Umi Salma, had in her possession one such hair-strand contained in a case which she would usually dip in the bowls of water to be administered to the sick, diseased and infirm for their recovery. It is but natural that similar hair-strands would have been retained and possessed as the precious treasure of love by many others, both in Mecca and Medina. More than the people of these two towns the newly converted, in other parts of Muslim world, also acquired such relics and so, out of thousands of strands distributed according to the directions of the Prophet, might have travelled to other places as well. It is also established that the Moi-Muqqadas at Hazratbal has a convincing history of authenticity but yet the suspicious mind may pose the question :

"Is it one of the hair-strands which the barber, according to the directions of the Prophet, handed over to Abu Tulha"? It is therefore difficult, rather impossible, to satisfy such minds which are taxed with ifs and buts. No standard for comparison and identification is possible for such delicate commodities.

The personality of the Prophet itself left an indelible impact even upon his sworn enemies. Similarly this Moi-Muqqadas and a glimpse of it from a distance leaves an impact which is impossible for a fake or imitated thing to create. One can describe

what one's eyes see but the men who devote their lives to meditation see through their inner vision and can describe what they perceive.

One such person was Haji Mohammad Radho Chisti, a leading recognised and acclaimed saint of the period. The head gardener of Bagh-i-Sadiq Khan was one of his disciples. Amidst the garden was situated Ishrat Kada (The Pleasure House) which later on became the abode of Moi-Muqqadas. Close to it was a hut in which the head gardener lived and prayed. Shiekh Baba, (Radhoo Chisti) used to visit the disciple's hut. Some years before the arrival of Moi-Sharief, Shiekh Baba had a dream in which he saw the Prophet coming out from the same hut and spread fragrance throughout. Next morning the Shiekh personally went to his disciple in Bagh-i-Sadiq Khan, felicitated him and assured him that sooner or later the place was destined to become a centre of meditation. The historian Khwaja Azam Dedmari, who was 7 or 8 years old when Moi-Muqaddas arrived in Kashmir and who records both with accuracy and authenticity the impact of its arrival, left the population of this country further records that Khwaja Noor Din Mohammad Aftab Naqashbandi (the last Naqashbandi saint of Kashmir) had told him what his own spiritual master Khwaja Ahmad Yeswi had narrated about this relic. Ahmad Yeswi had told him that after much meditation and spiritual concentration he was granted an audience by the Prophet who assured him that this Moi-Sharief was part of the tresses which fell on his right shoulder.

Mirza Furhad Baeg was also a disciple of Mirza Akmalud-Din Badakshi[12] with Khwaja Abdul Wahab Noori[13], author of *Fatoohati Kubrawi*. The latter writes in his book that Mirza told him:

"I rushed in right earnest to Hazratbal so as to benefit from the morning display of the Moi-Muqqadas but was a bit late. I was disappointed, cursed myself and was dejected. So I remained weeping and wailing closer to the chamber, and then I fell semi-conscious and saw the Prophet personally standing nearby. The whole surroundings were showered with rays of dazzling light and the fragrance of roses spread throughout. The Prophet told me :

"Lo, see me now if you were unable to see my hair-strand."

For about three centuries all the saints of Kashmir, with an allegiance

to any of the fourteen mystic cults, have, with devotion and dedication, invariably been on a spiritual quest from this centre of spirituality. In our times too, all *peers*, *faqirs* and *qalandaras* come to Hazratbal to attain spiritual eminence and to get the inner light from this eternal lighthouse.[14]

NOTES

1. "Herapur" : A village in Tehsil Shopian of district Pulwama. It was the first halting station in the valley while entering from Poonch on the Mughul Road. The Herapur Sarai is therefore famous.

2. Darood : Salutations on Prophet Mohammad.

3. Shiekh Noor-ud-din Wali Nund Reshi (English) by author published by Sahitya Academy, New Delhi p.18.

4. "Aurangzeb": By Munni Lal, Vikas Publishing Pvt Limited, details the chronological engagements of the monarch.

   The important events from 1685 are :

   (a) Siege of Bejapur: 1685

   (b) Surrender of Sikandar Ali Shah : 11.9.1686.

   (c) Aurangzeb enters Bejapur : 19.9.1686.

   (d) Leaves Bejapur : 30.10.1686.

   (e) Again reaches Bejapur : 15.3.1687.

   (f) Captures Satara Fort: 21.4.1700. It is thus that Alamgir spent almost the last decade of the century in the south and so in 1699 he was not in Lahore. This falsifies Qalandar Baeg. Again, at the relevant time of the transaction of the relic he was not even at Bejapur.

5. Taariekh Bejapur, Urdu, Third volume, Jamia Millia Library, New Delhi.

6. Taariekh Farishta, Translation by Abdul Hai M.A., page 662.

7. Rubayaati Shaheed Sarmad edited and translated by Maulana Azad, page 22.

8. History of Bejapur by Dr. D.C. Verma, page 245.

9. Al Quran, Chapter 92.

10. Ibid, Chapter 93.

11. Ibid, Chapter 91, Verses 3 & 4.

12. Mirza Akmalud-Din Badakshi (1644-1719): leading saint and scholar. His long poem *Bahrul Irfan* (The ocean of mysticism) written in Masnavi form, following the pattern and diction of Maulana Rumi, consists of thousands of verses and contains allegorical discourses on mysticism. It is the great contribution to Persian literature from Kashmir.

13. Abdul Wahab Noori : Saint, scholar and author, died in 1773 A.D.

14. To the best of my knowledge about the other two relics which Syed Abdulla brought with him—the saddle of the horse of Ali and his turban—are in Asaar Mahal Bejapur. However, further details with photographs may be available, but I have not seen them yet.

CHAPTER III

THE CENTRAL STAGE OF POLITICS

Over the years, politics has emerged as the main cause for the migration of the Moi-Muqqadas from Medina to Bejapur to Srinagar. Its movement from Bejapur to Srinagar in particular has invited much political speculation. The delay in its arrival to Srinagar and the death of Haji Noor-ud-din of Ishbari, from natural causes, no doubt triggered a political reaction in Kashmir. Both were attributed to authoritarian politics. Its political significance cannot be treated as a new dimension as some do erroneously consider. From April 1700 AD, the shrine of Hazratbal has moulded, affected, carried out, designed, fostered and evolved the political destiny of Kashmir at different occasions with different repercussions.

Shah Jahan like his father Jahangir, was fond of Kashmir and paid several visits to this paradise on earth. On his last visit in 1652 AD, the 'Pleasure House' in Bagh-i-Sadiq Khan was complete in all respects and the owner invited the Shahenshah to formally inaugurate the building by staying there. According to the author of *Hajjati Qasira* (Qalandar Baeg), the serenity of the view from this pleasure house gave such peace and tranquillity to the heavy mind of his Excellency that he felt the place must be used for meditation rather than worldly pleasures.

It was again the political intrigue at Delhi which deterred the fulfilment of Shah Jahan's expressed desire from 1652 to 1700 AD and for half a century, the 'Pleasure House' remained virtually unused. However, the gardeners and other employees of the owner lived in the adjoining huts. Again in April 1700 AD, the shifting of Moi-Muqqadas from Khanquahi Naqashbandi to Bagh-i-Sadiq Khan was the result of a political decision taken by the then Mughal Governor Faazil Khan. There were some political and compelling circumstances which made the owner readily accept the offer of Anayat Begum and sell the estate to her.

Immediately after the conversion of Bagh-i-Sadiq Khan into Hazratbal, mystics, gnostics, saintly people and devoted lovers of the Prophet began to frequent the mosque to offer their Friday prayers. The Jama Masjid and Khanquah-i-Moula, both in the centre of the city, soon became centres of limited political activity. No independent politics is possible in an autocracy but such activity as there was, remained confined to officialdom. The governors, the high officials and bureaucrats, would either attend Jama Masjid or Khanquah-i-Moula. On the other hand, the 'conscious' element which was resentful against such official use of religious pulpits, shifted towards Hazratbal. Hence, from the very beginning this religious centre offered its warm lap to foster a genuine 'pro-people' consciousness.

In Kashmir those days, there was no forum to give expression to popular resentment and to convey protest, but local poets would often give expression to their suffocated feelings through their *naat* and those devotees who had melodious voices would recite such poems in the congregations held on the occasions of *Urs-i-Nabi*, *Meerajun Nabi*, at the time of the anniversaries of the four Caliphas or after the meditation during Friday nights. It would be relevant here to quote only two verses from the Persian *naat* of Maulvi Abdur Rasool Khanquahi of Charar-i-Sharief which convey the oppression let loose by Afghans in Kashmir :

> *Terror is the Afghan rule*
> *Tyranny is its content*
> *Let you now, oh our beloved Prophet,*
> *Benumb their tyrant hands.*[2]

In the same poem, the poet accords the epithet of "*Zulumabad*" (The Land Founded on Oppression) to Kashmir which holds good to date.

During the Mughul era, almost all the governors, military officers and bureaucrats used to exploit the masses. But the keen interest which Jehangir, Noor Jahan and Shah Jahan in particular evinced for the discovery and development of beauty spots, added a healing touch and kept, at least the inhabitants of the cities, engaged in a competition for a better life. However, by and large, the lot of the artisan, petty trader and agriculturist remained exploitation. Tyranny, exploitation and misrule increased both in severity, baseness and ruthlessness after Alamgir's death. Kashmiri governors increasingly became accountable to none. The situation of intrigue and conspiracy around the gubernatorial

office made both the civil and military offices virtually autonomous. Consequently, tyranny, oppression and exploitation became the rule of the day.

Up to the first half of the eighteenth century, the management of Hazratbal remained exclusively with a God-fearing class of spiritualists. Though both the estates of Hazratbal and Moi-Muqqadas were the personal property of Anayat Begum, the honour of displaying the relic was conferred upon the leading spiritualist of the time, Haji Mohammed Radoo Chishti. Bulaqi Bandi, the resident son-in-law (Khanadamad) of Ishbari, himself remained at the beck and call of Shiekh Baba as his disciple till he acquired spiritual eminence and came to be recognised not as the successor of the owner of the estate but as the spiritual heir of Sheikh Baba. Anayat Begum, her husband and their son Khwaja Ishaque Bandi, enjoyed honourable positions and status during the last days of Mughal rule in Kashmir. Both for their riches and for the holy relic, they were respected by the rulers as well as by the ruled. Yet, neither Bulaqi Bandi nor his wife, Anayat Begum, directly or indirectly dabbled in state affairs.

As earlier stated, the bureaucrats would attend Friday congregations either at Jama Masjid or at Khanquah-i-Moula. In the grand mosque, the sermon or "*Khutba*" would conclude with the name of the emperor in Delhi, thus establishing that the eroded authority of Mughal central rule was confined to this formality. Otherwise there was no occasion for the use of any religious pulpit, including Hazratbal, against the state as there was no interference in any way, in the religious affairs of the people. There was no tradition anywhere in the sub-continent during the period to mobilise public opinion against economic exploitation, or of political subjugation. In spite of all this, indirect references to Mughal misrule were made the subject of sermons and didactic poetry. It was at Hazratbal alone that such sermons were delivered and such poetry was recited. The presence of officers both at the Jama Masjid and Khanquah-i-Moula caused hindrances for the expression of dissent from these two pulpits.

Ishaque Bandi took over the charge of both the management of Hazratbal and the display of Moi-Muqqadas after the death of his father Bulaqi Bandi. It is during his tenure that the Pathans of Kabul succeeded the Mughuls. Though they let loose a reign of terror upon all Kashmiris, they would visit Hazratbal with all humility and devotion. Ishaque Bandi developed contacts with Afghan governors and other officers. Both the

Kashmiri communities of Hindus and Muslims met the same inhuman treatment from the tyrant Pathans. Many Kashmiri Pandit bureaucrats, scholars and intellectuals in their urge to acquire higher positions, ignored the miserable lot of their community and devoted their energies and intelligence to consolidate Afghan rule in Kashmir. On the other hand, Kashmiri Muslims reacted vehemently against the oppression of fellow Kashmiris, particularly of their Pandit neighbours at the hands of these ruthless tyrants. The mention of only two historical incidents will explain my assertion and it is in this light that we can appreciate the role of Ishaque Bandi, his son Abul Hassan Bandi and the great part played by Hazratbal to undermine the Pathan authority. Pandit Bawani Das Kachroo[4], an intelligent Kashmiri officer, rose to a high position during Pathan rule when members of his community were treated like dirt. In the desire to acquire maximum favours from the rulers he bade goodbye to his homeland and deserted his wife, Arnimal[5], who then roamed the plateau of Taaper in the Pattan area till her death. In the course of her wandering she used to sing her pathetic love lyrics which are famous even today. Only one verse shall suffice to reveal her agony:

Oh my friends,
Call my love,
While thee ascend towards the meadows,
Or while thee descend from the hilltop.

Bawani Das Kachroo, however remained, and continued to draw policies under which his own countrymen were to be subjected to untold miseries. In the same period, Abdul Qadoos Gojwari was lynched by his co-religionist Pathans for providing a hide-out to an absconding fugitive Pandit, but he did not divulge the whereabouts of his Pandit guest.

Khwaja Ishaque Bandi, though himself a privileged and honoured personality, was eager to see the end of Pathan rule. There is no report of his personal activities but the actions of his son, Abul Hassan Bandi, which began during his lifetime, reveal convincingly that he had the blessings from his father and the necessary encouragement too. Abul Hassan made several outstanding contributions to politics and administration during his father's life. Being the heir-apparent to the most coveted religious office in Kashmir, he commanded a great deal of respect from the masses. Sukh Jeevan Mal[6], an officer in the Afghan regency and son of a Hindu trader, possessing a keen understanding

of the political situation and suppressed aspirations of the masses, rose to the position of the ruler. He understood that the Pathans had not only subjected Kashmir to untold miseries but had also caused grave injury to the self-respect of the Kashmiri, wounded his ego and humiliated his conscience.

The situation was obviously ripe for a revolution. Sukh Jeevan Mal organised the revolt but suffered from certain disadvantages. He had neither a local base nor could he muster the support of local Muslims against Afghans, being a non-local Hindu himself. Kashmiri Pandits, proud of their lineage, looked down upon even the non-Kashmiri Brahmins. It was thus impossible for a low-caste Hindu like Sukh Jeevan to get any support from the suppressed Pandits. However, as the heir-apparent to the highest religious office among local Muslims, Abul Hassan Bandi had much more consolidated support. His active support guaranteed success to Sukh Jeevan Mal and was able to bring about a revolution. He was a liberal intellectual and would even visit the Jama Masjid. He was also a regular pilgrim to Hazratbal where he used to stay with Abul Hassan in the magnificent edifice which he had constructed on the bank of the Dal Lake. He was a keen lover of Kashmiri past glory though he was not a Kashmiri. Sukh Jeevan Mal created a galaxy of men of learning around him. He assigned the writing of a versified history of Kashmir on the pattern, diction, style and meter of *Shahnama*[7] of Firdausi to five eminent Persian poets of Kashmir.

To achieve the goal of cessation from Kabul and to restore to Kashmir its independent political character which it had enjoyed till 1556 AD, Sukh Jeevan Mal utilised the cult of Abul Hassan, the *Mutwali* of Hazratbal. He was finally successful in seceding Kashmir from Kabul in 1753 AD and declaring it as an independent kingdom. This was the first ever revolution in which Hazratbal wielded an indirect, though significant impact on the history of Kashmir and that too within only half a century of its existence. However, this revolution was short-lived and was curbed very soon. Its failure can be attributed to the intrigue which created a gulf of suspicion between Sukh Jeevan Mal and Abul Hassan Bandi. Finally, it was this atmosphere of intrigue which caused the tragic end of Sukh Jeevan.

It would be doing a grave injustice to history if a mention of the Mughal officer, Afrasiyab, is not made at this point. Afrasiyab converted Hazratbal into a centre of benevolence for down-trodden

Kashmiris during the last days of Mughal rule when only chaos, confusion and tyranny was the rule of the day. He was murdered by the Afghans in 1752 AD. As a token of gratitude, the Kashmiri people got him buried in the graveyard of Hazratbal and accorded him a royal farewell and funeral. His dedication to Hazratbal and the reciprocity of such attachment is manifest from the verse from which the year of his death is derived.

Kashmiris were crying and moaning to express the pain in their wounds inflicted by Afghan terror when the Sikhs took over Kashmir. All the institutions of reverence with which the Kashmiri Muslim was sentimentally attached were desecrated, including the Jama Masjid, Shahi Masjid and other mosques. Even, the Khanquah-i-Maula was not spared. Let me quote from the *Political History of Kashmir* (Persian) by Peer Hassan Shah, Vol. II, page 757:

> " .... the doors of Jama Masjid were closed. Call for *Azaan* was forbidden. Many mosques, new or old, were made government property and brought under the Nazool Department. Phola Singh sent a cannon to blow up the Khanquah-i-Moula; Pandit Birbal apprehended serious riots, so did not advise the execution of such an order .... "

The historic Shahi Mosque near the 4th Bridge on the river Jhelum was converted into a godown. Thus Muslims of the city were deprived of the main religious centres and sub-centres. Hazratbal, due to its topographical situation or more so due to the miracle of the relic, did not form part of the chain of wholesale sacrilege by fanatic Sikh rulers.

At this critical juncture in the history of Kashmir, the people were afraid to attend large gatherings on Fridays in the city mosques including Khanquah-i-Moula. Despite unfavourable winds and bad weather, people from the city and adjoining villages would cross the Dal Lake in *shikaras* and boats to offer Friday prayers at Hazratbal. As a result, this *dargah* gradually attained the status of a main centre for a great deal of Muslim activity, both political and religious.

It was a period of complete degradation and degeneration. The management of Hazratbal was deprived of royal privilege and other

jagirs. Due to the division and sub-divisions among the heirs of Abul Hassan Bandi and squeezing of other avenues of income for this dynasty, the stress and strain on offerings increased. The Bandi family, due to its past affluence and spiritual eminence, was known for generosity and hospitality. Despite their straitened financial circumstances, they could not refuse to entertain their guests. All these circumstances forced them to convert the management of the shrine and relic from the family tradition to a professional source of livelihood. The tragic end of Abul Hassan Bandi had frightened the family and sapped them of all courage. As a result, cowardice and timidity prevailed and bred pessimism which was evident in the sermons delivered from its pulpit. The '*Waiz*' (preacher) would attribute all these ills to the evil deeds of the community and declare the misfortune as celestial punishment. As a consequence, pessimism, soon became the natural trait of the Kashmiri psyche. The initiative for struggle was thus curbed and instead, the cure for the malaise was prescribed by the preacher only through moral upliftment. Swept under this wave of pessimism the poet too dabbled in the imitation of mystic metaphor and confused the common mind with obscurity and ambiguity. Naturally enongh, over a period of time, this resentment became like red-hot lava waiting to erupt. At such a time Sheikh Mohi-ud-din[8] made the Sikh governor feel the pulse of the people. Within two decades, the doors of the Jama Masjid were unlocked and opened to the faithful. However, this failed to pacify the public resentment. The regime too continued its policies of suppression and tyranny.

In this period of agony and natural calamities, this centre of Muslim activity, remained neither vocal nor inactive. Its pulpit remained under the control of confused preachers but the spiritualist and the conscious *Naat* composer (poet) would express indirect resentment against this. The '*Waiz*' too while explaining the punishment which the Almighty subjected the Kashmiri Muslim to for his vices, detailed the tyranny of the rulers. Then he would conclude :

"It is for our sins that our Lord subjected us to the oppression of the tyrant ruler."

Such sermons were sufficient to give vent to public resentment but could not be channelised in the correct direction. The protest which the poet conveyed through didactic poetry is mainly in Persian, which was the second language of the ruled and the official language of the rulers.

After the end of Sikh rule, the sale of Kashmir in 1845 AD by the British to Mian Gulab Singh of Jammu by a lease deed executed at Amritsar (generally called the Sale Deed of Amritsar) for a paltry sum of a few lakh rupees, took place. It is a unique transaction in world history under which not only the land of a country was sold off but even its people, as if they were merely a flock of cattle. Though there was a change of usurpers, the sacrilege of sacred places was somewhat reduced. However, the suppression of the people remained largely unabated, and *begaar* (*covree*) was intensified. Both the agriculturists and the artisans were subjected to severe suppression. It is during the Dogra rule that Hazratbal became the most vital and vocal stage of Kashmir politics. There were certain important reasons for this which need careful attention. However before embarking upon such discussion, a reference to the other centres of Muslim activity in the city of Srinagar is essential, for they were already in existence before this sacred shrine came up.

Earlier Spiritual Centres

The first centre of Muslim spiritual activity was established by Syed Bulbul Shah (Abdur-Rehman Suhrawardy) during the regime of the first Muslim ruler of Kashmir, Sultan Sadr-ud-din (1320 to 1321 AD), on the northern bank of river Jhelum in between the Nawakadal (6th Bridge) and Ali Kadal (5th Bridge). The locality where this hospice, known as Khanquah-i-Bulbul Sahib, is situated is called Bulbul Lanker. For the earliest Muslim settlers, this centre provided both guidance and training to the new convert. It housed a *sarai* to provide lodging for the seekers of truth as well as travellers and also a *Madarsa*—an institution to impart religious knowledge.

After the consolidation of missionary activities in Kashmir by Syed Ali Hamdani, popularly known as Shah Hamdan or Ali Saani[9], his illustrious son Mir Mohammed Hamdani[10] constructed a Khanquah on the eastern side of river Jhelum in between the 3rd and 4th bridges (Fateh Kadal and Zaina Kadal) in the year 1396-97 AD during the reign of Sultan Sikander (1379-1413). Over the years it evolved into the main centre of religious, spiritual and political activity of Kashmiri Muslims.

During the regime of Sultan Sikander, the Jama Masjid (Grand Mosque) of Kashmir too was constructed under the active guidance of the Sultan himself. Its foundation was laid in the year 1398. It was

gutted in fires several times till finally, the present edifice was constructed in 1912.

Though both these centres, with their coordinated activities consolidated the effects of revolution brought by Islam in the national thinking and cultural evolution of Kashmir, individual qualities of each remained distinguishable. Where the Jama Masjid with its stress on purely theocratic tenets forged ahead with the propagation of Islam, the Khanquah contented itself with providing spiritual satisfaction to the seekers. The proximity of Kali Mandir with this Muslim place of worship made it the ideal rendezvous for the seekers of *giyaan* and *fikar*.

The Dawn of Revolution

Immediately after 1921, under an anti-people decree of the Maharaja, the Srinagar Silk Factory (the only avenue of employment available till then) was locked. This caused much hardship and sowed the seeds of rebellion. Affected labourers and their families had no stage to express their dismay and protest. They had no alternative but to present themselves with their petitions, complaints and prayers in the exalted Court of the Bliss and Blessings for all the universes, the beloved Prophet (PBUH). To them the highest Darbar and court of the appeal was at Hazratbal. They would come to seek benevolence from this holy shrine and while coming and going back they would narrate their woeful tales in the boats filled with passengers crossing the Dal Lake, in the compound of the shrine, in the corridors of the mosque, in the warm enclosure of the centrally heated Hamam of Hazratbal and before the *mujawirs*, *peers*, *darveshes* and *mutawalis* of the Dargah. This whisper campaign ripened the timely revolution. Against this background, the late Abdul Qadeer[11] sowed the seeds of fervour in the confines of the compound of the Khanquah of Shah Hamdan. Its sapling was planted in the wide field of the Jama Masjid. Nurtured by the late Maulvi Mohammed Yousuf Shah[12], it grew into a sprawling court of benevolence on the western bank of Dal Lake under the benign shade of Hazratbal with the efforts of late Sheikh Mohammed Abdullah[13]. The youth of Kashmir continue to nourish it with their blood so that future generations may harvest its rich crop. Thus, the three centres of Muslim activity—Khanquah-i-Moula, Jama Masjid and Hazratbal—coordinated their efforts to usher this land into an era of prosperity with a self-respect distinguishable for its cultural identity. With the passage of time,

however, Hazratbal alone has emerged as the nerve centre of political activity. The other two centres have only collaborated and followed its guidance.

As mentioned earlier, the resentment against the lock-up of the only industrial unit in Kashmir —the Silk Factory at Solina, Srinagar, caused a smouldering lava under the velvet greenery of Kashmir. It could explode at any time. However someone had to take the initiative; someone had to bell the cat. In the meantime rumours spread like wild fire that the pages of the holy Quran were being desecrated. Mr. Qadeer proved to be the spark that lit the fire in the Khanquah-i-Moula. Soon its flames spread like wild fire scorching the land and people alike. That fire rages on, fuelled by fresh incidents and stoked by newer, different personalities.

On the fateful day of 13th July 1931, the long-suppressed public anger became violent when the stage-managed *in camera* trial of Mr. Qadeer in the precincts of Hariparbat fort, spread genuine apprehensions about tainted justice. In order to channelise popular anger into a self-sustained movement, both the Jama Masjid and Khanquah-i-Moula seized the occasion to work in tandem. Since this movement initially rocked the city of Srinagar, only these two religious centres of activity were immediately accessible to the angry mob to express collective protest. Hazratbal was in those days farther afield.

The Jama Masjid introduced Muslim leadership to the masses under the banner of the J&K Muslim Conference. Maulvi Mohammed Yousuf Shah introduced the organisation and lent support and substance to it with his own goodwill and popularity. The young firebrand science post-graduate from Aligarh Muslim University, S.M. Abdullah provided dash and direction to it. Both the Maulvi and the Sheikh realised that the movement was bound to mould the future destiny of the whole state of J&K. They were also conscious of the fact that only Hazratbal could provide a wide and popular stage, for the unfolding scenario.

It could be relevant to mention here that in keeping with mass psychology, the cult of Sheikh Mohammad Abdullah grew at the same pace as the progress of the movement. It was believed that only a man of destiny could dare to pose a challenge to the stagnant tyrannical state of affairs in Kashmir. The people found Mr. Abdullah in many respects worthy of such an awesome task. With time, a halo of legends came to be woven around him. Maulvi Mohammed Yousuf Shah was

among those who encouraged the building up of the Sheikh's image because he felt it gave an impetus to the spirit of this popular movement. The ambit of this movement widened swiftly, taking the whole of J&K in its embrace. Sheikh Abdullah parted company with his mentor and patron Maulvi Yousuf Shah when the former created the All J&K National Conference in 1938. The Maulvi and his colleagues in the Muslim Conference accused the Sheikh of treachery towards the cause and community, but he argued that the Maulvi and his followers had been left behind as the majority of the Muslim Conference had converted itself into the All J&K National Conference. He also argued that all the communities of the State required a unified leadership for self-rule. The Muslim Conference rejected this explanation with the argument that the commitment made to the majority community, to accord them the status that they deserved according to the ratio of population, remained a remote possibility. The Maulvi's party, therefore, dubbed it a treachery to embark upon a new programme. In this tirade of charges and counter-charges, the Sheikh went a step further and accused the Maulvi of connivance with the Maharaja of Kashmir and his government.

In this war of wits, both parties were keenly aware of the clout wielded by Hazratbal for their respective causes. Maulvi Mohammed Yousuf Shah had acquired the hereditary office of the *Mir Waiz* (Grand Preacher) of Jama Masjid and the late Ahmadullah Hamdani had succeeded to the office of *Mir Waiz* of the Khanquah. Both were anxious to adopt the title of *Mir Waiz* of Kashmir for themselves. Till the emergence of the National Conference and even after, the pulpit of Hazratbal was available for any preacher and both Maulvi Yousuf Shah and Maulvi Ahmadullah Hamdani could deliver sermons from there but only on invitation or with prior intimation.

With the emergence of the National Conference, horse-trading of supporters of either party, the war of charges and counter-charges and firebrand speeches brought about the worst ever split among Kashmiri Muslims, particularly those in Srinagar. Followers of the same faith, men and women belonging to the same school of juristic interpretation, the Hanafi school of juristic thought, neighbours and even people related to one another came to be divided with such vehemence that they became sworn enemies. The followers of the Sheikh called themselves "*Sheras*" (Lions) and nicknamed the followers of the Maulvi "*Bakras*" (Goats). With this, the rift and inevitable confrontation between the two preacher dynasties reached their climax. *Mir Waiz* Ghulam Rasool, belonging to the Malvi dynasty, was the harbinger of an educational

revolution and is rightly called Sir Syed Ahmad Khan of Kashmir. He founded Anjuman-i-Nasratul Islam which established a good number of schools and other teaching institutions. Sheikh Mohammad Abdullah was himself a product of the Islami High School run by the same Anjuman. The Hamdani dynasty did not lag behind. It also opened many schools in Srinagar and other parts of Kashmir.

The Maulvi's dynasty was obviously keen to consolidate its foothold from the most effective pulpit of Hazratbal, just as the Hamdanis sought exclusive benefit from this Dargah. In this competition, the followers of the two preacher dynasties created an unbridgeable gulf. Yousuf Shah had no access to the Khanquah and similarly, the Hamdani preachers would not dream of entry in the Jama Masjid. It was thus that after the split of the Muslim Conference, the breakaway group which formed the National Conference took advantage of the rift between these two dynasties. The "*Sher-Bakra*" feud reached such a degraded culmination that a daughter of a "*Sher*" married in the family of a newly-christened "*Bakra*" was either divorced or forced to refuse to live with her husband. Shamefully enough, the leadership encouraged all this. The leadership of the National Conference which included highly qualified intellectuals and university educated individuals, actively encouraged this hostility and alienation within their community.

Fight for Hazratbal

Against this background of warring factions, the fight for exclusive access to Hazratbal intensified. The heirs of Khwaja Ishbari and his proud daughter, Anayat Begum, the Bandi family of Hazratbal were financially in shambles. The successors of Anayat Begum who had purchased Bagh-i-Sadiq Khan to construct the shrine of Hazratbal had fallen for their sustenance upon the offerings of the poverty-stricken community. The offerings soon became smaller and insignificant and the number of claimants had multiplied. After Abul Hassan Bandi and Sukh Jeevan Mal, the Afghans further deprived the Bandi family of jagirs and grants. Thereafter, the Sikhs and Dogras withdrew most of the remaining privileges. Consequently, their main source of income was confined to an insignificant share from the paltry sum of offerings to the shrine. With such meagre resources they had to maintain the standard of life expected from a glorious dynasty. They also had to keep alive the tradition of hospitality which their predecessors had bequeathed to them.

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The internal feud and intense rivalry among the heirs further made their lot a pitiable one. With the management of the shrine in a state of collapse and this confrontation between the two camps of *Mujawirs*, encroachment upon the Dargah's property had become the rule of the day. The common people had protested and expressed resentment more than once against this apathy and had warned that further neglect might damage the main shrine. The shortage of space used to cause severe inconvenience to the pilgrims and was a great source of aggravation. The narrow space in the complex towards the east (the Dal Lake side) always used to be muddy as the *chinar* trees would hardly allow the rays of the sun to fall on the damp earth.

Noor-ud-din Bandi exploited this situation to have a showdown with the Chief *Mutawali* (late Abdul Rahim). He too did not show any sign of compromise. He had little personal authority and needed higher intervention. Probably he was not conscious of the position which he held or was a prisoner of his own attitudes. It would be relevant here to quote an excerpt from *The History of the Freedom Struggle in Kashmir.*[14]

> .... The Hazratbal shrine is in reality the centre of the emotions of the Muslims of Kashmir. Disputes for apportionment of its offerings ensued among its *khadims* in 1928. In 1938 this internal dispute came to the limelight when the *Mutawali* of the shrine Khwaja Abdul Rahim Bandi, provided a chance of intervention to Malvi Yousuf Shah so as to weaken his rival Noor-ud-din ..... .

Thus, Maulvi Yousuf Shah, who was eager for an exclusive access to Hazratbal, got an opportunity to step in.

On the other side, Sheikh Abdullah too was eager to jump into the fray but was waiting for an appropriate occasion. He and his advisors took the initative to nip the Maulvi's attempts in the bud. But in doing so they completely ignored the sanctity of the shrine. Their act of vandalism left the only impression that their belief in this relic was dubious, otherwise they could not have dabbled in such presumptuous activities against the Moi-Muqqadas.

Again, it would be useful to quote from the *History of the Freedom Struggle In Kashmir*:

After the afternoon prayers, as usual Abdul Rahim Bandi was proceeding towards the eagerly waiting devotees to display the Moi-Muqqadas for *Deedar* that Maulana Mohammad Syed Masoodi, Kh. Ghulam Mohid Din Kara and Sula Galdar emerged from amongst the congregation and collectively cried upon the *Mujawir* :

'Declare before displaying the Holy Relic your views about Shiekh Mohammad Abdullah.'

'The Sher-i-Kashmir Sheikh Mohammad Abdullah is our common leader.'[15]

After hearing this reply from the *Mujawir*, the trio allowed him to display the Moi-Muqqadas which till that time he had kept in his right hand, clutched to his bosom under the embroidered gown. With such a show of force and disrespect, the National Conference overawed the general public, *Mujawirs* of the Dargah and their adversaries. Maulvi Yousuf Shah, who had come to Hazratbal, slipped away while a few of his fans, including a leading goldsmith, got a good drubbing from National Conference workers.

It was thus that the National Conference brought under its monopolistic hold the important religious centre of Hazratbal. The leader of the secular party and the stalwart ally of the All India National Congress accused Maulvi Mohammad Yousuf Shah from this religious stage of the misuse of religion to achieve political goals. It was from this religious platform that Shiekh Saheb would, after reciting from the Quran, deliver speeches criticising M.A. Jinnah's Two Nation Theory.

From 1938 onwards, Hazratbal remained the main political hub of the dominant All J&K National Conference (N.C.). The Mujahid Manzil constructed from the funds of Auqaf Islamia in the heart of city, became its headquarter for organisational purposes whereas the venue for mass contact was confined largely to Hazratbal.

The repairs, renovation, expansion and reconstruction of the shrine complex was long overdue. Its condition, as explained earlier, caused constant anxiety to the nation. Shiekh Abdullah, a shrewd politician, felt the pulse of the people and rightly guessed that his association with the renovation of this important centre of Muslim emotions would blunt the sword of his adversaries. With the passage of time and increased attention shown by the Sheikh on the renovation

work, the National Conference greatly outwitted its rivals in the J&K Muslim Conference.

Quit Kashmir

It was in 1845 that the Dogras had obtained the authority of Kashmir on the basis of a lease deed. According to the political pandits of the National Conference, the lease expired in 1945 after the Dogras completed a rule of hundred years in Kashmir. The matter was discussed threadbare in the working committee on 19 May 1946. All the members did not approve of the suggestion of its president, Sheikh Abdullah to agitate for the Quit Kashmir movement because they felt the British had to leave India and the people of the princely states would naturally gain independence without any separate struggle.

Being the individualist that he was, the Sheikh did not yield to the view of the majority in his party. Conscious of his magnetic sway over the masses, on the very next day he raised the slogan of Quit Kashmir. On his way towards British India, he was apprehended and arrested en route. He was prosecuted for sedition and conspiracy under sections 124 and 120-B of the Ranbir Penal Code of J&K. True to his assessment, his arrest and detention caused an immediate stir in J&K. Further, his detention in the Badami Bagh cantonment caused grave apprehensions about the fairness of the trial. Rumours spread that in the course of the farcical trial he would be expeditiously tried, convicted and awarded the highest punishment for treason. People rose against the government in a popular upsurge. Protest, demonstrations, processions, marches, brickbatting, stone hurling, damage to government property, and open confrontations with government forces became the order of the day. Sheikh Abdullah acquired a new name: "Baagi Abdullah" and a new slogan rent the air : "Baagi Abdullah Zindabad".

This amounted to a popular mandate for the Sheikh's Quit Kashmir agitation. To start with, the agitation was by and large peaceful. People were keen to demonstrate their support to the Sheikh through peaceful demonstrations and processions but the army and para-military forces of the Maharaja used unnecessary force. They resorted to a severe lathi-charge and firing which caused considerable loss of innocent lives in the cities of Srinagar, Islamabad (Anantnag), Shopian, Pulwama, Handwara, Baramulla, Sopore, Bandipore in Kashmir and Muzzafarabad, Bhimbar, Poonch, Mirpur, Rajori, etc.

in Jammu province. However, the agitation failed to reach the remote frontier areas.

Though many authors have written on the subject and even Sheikh Abdullah mentions this agitation in his autobiography, *Aatish-i-Chinar*, I prefer to quote from Alastair Lamb's *Kashmir: A Disputed Legacy* (Chapter 5, p. 95) for his perceptive analysis of the situation:

> The Quit Kashmir agitation by the National Conference was accompanied by a certain amount of supporting activity on the part of the revived Muslim Conference. Officially the Muslim Conference adopted a policy of non-involvement in what it perceived to be a political ploy on the part of Sheikh Abdullah's faction in alliance with the Indian National Congress outside the state in British India. Some of the Muslim Conference leaders were definitely parochial in their political outlook. In the event many of its members including some who were close associates of Maulvi Mohammed Yousuf Shah, did participate energetically in public demonstrations in support of the Quit Kashmir movement. The *Mir Waiz* however had been provided by Pandit Kak, who had great skill in handling the most traditional Kashmiris with his mastery of the Kashmiri language ... the whole affair was a bit of trouble-making by Sheikh Abdullah ....

Leaving aside the causes, effects and the result of this movement I would like to stress the political import of this agitation and thus revert to the contribution of Hazratbal towards the Quit Kashmir movement.

Like other agitations stirring the soul of Kashmir, this movement too would have been a mere adventure had Hazratbal not lent it its disciplined patronage and effective stage. On 20 May, 1946 Sheikh Abdullah raised the demand that the Maharaja should step down and leave the State of Jammu and Kashmir to be ruled by its people. He had done so against the consensus arrived at the National Conference Working Committee meeting on 19 May, 1946. The organisation found itself caught in a state of utter unpreparedness with no scheme at hand to best utilise public support. With the arrest of the Sheikh, other leaders too were taken by surprise. They were arrested and taken to different

jails situated in various parts of the Jammu province. The two lieutenants of the Sheikh —Bakshi Ghulam Mohammed and G.M. Sadiq—left Kashmir for British India. The fourth among the six stalwarts of the National Conference, Khwaja G.M. Kara, went underground and organised a cell called the War Council. Kara enjoyed a good rapport with his cousin Sadiq as well as Bakshi, both of whom were away. It goes to the exclusive credit of Kara that the movement was sustained for more than a year or so with zeal and fervour.

Kara became a legendary hero of this movement and was given the title of "Bulbul-i-Kashmir" (Nightingale of Kashmir). He organised the agitation exclusively from the stage of Hazratbal where a ready-made public congregation was available on every Friday. On each Friday a volunteer was duly selected, briefed and tutored by the War Council under Kara's directions and he would deliver hard-hitting speeches threatening the Maharaja to either vacate the throne or be ready to be forcibly removed. Government spies and hired agents would make every effort to find out beforehand the identity of the volunteer (known locally as a 'dictator') who would address the people, but commitment to the cause was so strong that the secret would never get leaked out. In imposing such strict secrecy, Kara's organisational ability and skill were complemented by the conscious involvement of the *mutwalis*, *khadims*, *imams*, *naat* reciters and others associated with Hazratbal. After spewing venom against the government, the Dictator, accompanied by other volunteers, would be garlanded by the public and taken in a procession to the nearby police camp where all of them would surrender themselves for arrest. It was thus that the Quit Kashmir movement sustained, survived and flourished under the benign umbrella offered by Hazratbal.

Genesis of the Kashmir Imbroglio

The sun began to set upon the British empire in the sub-continent in June 1947. It had by now become clear to the common Kashmiris that many of the sacrifices made by them during the Quit Kashmir movement were unnecessary. Public opinion was rapidly building in favour of the taxing issue of the accession of the State. In January 1947 the Maharaja held elections for the Praja Sabha. The lame legislative house of the State had limited power and representation of only less than 10 per cent of the total population. This election was boycotted by the National Conference though the Muslim Conference fielded its

candidates and won fifteen seats. On 19 July 1947 the Muslim Conference passed a resolution demanding the State's accession to the "would-be" country of Pakistan. However a considerable section of the party—though a minority, it included its president Choudhry Hemidullah Khan—advocated in favour of Independent Sovereign Kashmir. Choudhry was a Muslim from Jammu, so indirectly he reflected the viewpoint of the Maharaja. It is noteworthy that there were, on this occasion, mainly two options being discussed among the intelligentsia of Kashmir, the choice being between an Independent Kashmir and accession to Pakistan. Sheikh Abdullah and his National Conference were powerful enough and known for their stance against the Two Nation Theory. His followers were doubtful that the Indian dominion would be able to offer a link for viable communication with this State.

The dominant views of the Maharaja, his Prime Minister, R.C. Kak, Jammu Muslims, Kashmiri intelligentsia and other strong political lobbies were actively working for Independent Kashmir, whereas only a section of the Muslim Conference was enthusiastic about accession to Pakistan. However, circumstances were to reveal that both the would-be dominions, themselves yet in the womb of time, were in a race to outwit each other to grab Kashmir. It became transparent at the first and last visit of the Viceroy, Lord Mountbatten, to the vale of Kashmir immediately before the Partition of India.

It was either merely a coincidence or a deliberate design that the Viceroy chose to stay in the guest house of Chashma Shahi on the eastern side of Dal Lake from where the movements in the Hazratbal complex are visible and loud speeches and slogans audible. The day chosen was Friday. Though by then the tempo and enthusiasm of the Quit Kashmir movement had subsided due to recent political developments in the sub-continent, the War Council continued to depute some 'dictator' for surrender and arrest and a section of the people after offering prayers would stay to form a small crowd of spectators or demonstrators.

The two exiled leaders—Bakshi and Sadiq—under the directions of the Indian National Congress had sent a special messenger from Rawalpindi to Kara to avoid demonstrations on the Friday when the Viceroy was in Chashma Shahi. Two eminent leaders advocating the creation of Pakistan paid a secret visit to Srinagar. Mian Iftikhar-ud-din was accompanied by Mumtaz Daulatana of the Muslim League. Both arranged a meeting in the centre of the city with Kara, at a leading Kashmiri rug trader's house. Both the Punjab

Muslim leaders persuaded him to carry out a vociferous show of resentment against Dogra rule. Kara pleaded with them that the masses were not ready for any special demonstration or protest march. They argued with him that at least a remarkable show of contempt against the Maharaja should become visible to the royal party on Friday from the stage of Hazratbal. Kara left them in doubt as he knew that Bakshi's men, including his two brothers, were very much involved in the activities of the War Council and so acted with much caution. Through his trusted men he started a whisper compaign that special messages would be delivered after prayers at Hazratbal. For the huge number of people assembled there, upto the last moment, there was complete suspense.

A firebrand 'dictator' appeared on the dais and delivered a fiery speech. The main theme round which the speech revolved is summed up as "..... . In the worst type of a transaction an imperial power sold a nation for Rs. 75,00000/- (Nanak Shahi Coins) seventy-five lakh rupees. Nanak Shahi, the leasee and his heirs, have taken thousand-fold of the consideration money. Four generations of Kashmiris had repaid the compound interest for a sum which they or their forefathers had never borrowed.... " Finally the speaker threatened the Maharaja "to quit lest he be dragged out." He had the audience spellbound till they rose in anger and raised slogans:

"Undo the Lease Deed of Amritsar. Vacate our Kashmir."

The speaker who was unknown by the masses till then, was taken in a procession and garlanded. The entire show was visible to the Viceroy from Chashma Shahi Guest House and the slogans audible. The 'dictator' along with other enthusiastic volunteers moved towards a temporary police camp with a huge procession and surrendered for arrest. The Viceroy, it is told, called for reports from state spies and other quarters regarding the whole show which he and his wife had observed while enjoying the beauty of Dal Lake and its environs.

It was later revealed that the speaker was an employee of the State Electricity Department. He was identified as Ghulam Mohammad Shah of Batamaloo, a neighbour and friend of Kara. This report is substantiated by the fact that Kara, who made the adventure of Quit Kashmir into a disciplined, organised movement was immediately, after taking into grip the State administration, dismissed by the Sheikh from the National

Conference. It is again he who as founder-President of the Kashmir Political Conference, posed a formidable threat to the Sheikh and raised the slogan of 'Pakistan Zindabad' on 13 June, 1953. Thus it is established that the N.C. high command did not forgive Kara for the indiscipline he had committed as Chief of the War Council.

The question arises as to why the Congress used Bakhshi and Sadiq to guarantee a demonstration-free visit for the Viceroy. It was the Congress leadership which encouraged the Sheikh to raise the issue of Quit Kashmir which was not required or desired. It was Pandit Nehru who got himself arrested by Kashmiri authorities and was lodged in Uri Dak Bungalow for a few days for his patent support of the Sheikh and his movement. So, why should the same National Congress have wangled the cessation of this movement at the most vulnerable juncture? On the other hand, why should the Muslim League leaders have wished for the acceleration of the movement at this particular stage? It is reported that two factors were responsible for both the main organisations of the sub-continent taking a sudden interest in the movement at this point.

Firstly, through Lord Mountbatten, the Congress leadership had convinced their British masters that only the would-be Indian Dominion could serve British imperialist interests beyond the borders of British India. They were, therefore, keen to mobilise British support to take Kashmir which was strategically vital to protect British imperialist interests. The taking of Kashmir was advocated only to protect the authority of the Maharaja from further erosion so that the Maharaja was motivated to opt for India. By instigating the Sheikh to launch the Quit Kashmir movement, the Congress had put sufficient pulls and pressures on the ruler of Kashmir to give up his political hobnobbing.

Secondly, the Congress leaders were eagerly persuading the British to arrange a viable communications link for India into J&K. On the other hand, the Muslim League leadership had become aware of the game being played by the Congress. Hence its two leaders from Punjab were deputed to counter the same.

Emergence of the Kashmir Dispute

In the valley, the Maharaja's authority was challenged by the launching of the Quit Kashmir movement which received ample support

from other parts of the State as well. Gilgit scouts had virtually overthrown whatever semblance of rule the Maharaja had enforced there. The Muslims of Poonch jagir, a martial race, had risen in an armed revolt against the ruler. The Domail bridge, which formed the boundary between this State and British India, was the main point of entry into Kashmir. Its guard had joined the mutiny and so had left it open to the insurgents of Poonch and agitating Kashmiris to receive outside aid. However, there was no coordination among these forces working against the common enemy. Instead, there were many contradictions. The National Conference champion of Quit Kashmir, was under the influence of the Indian National Congress, the insurgents at Poonch and Gilgit were for Pakistan and the dynamic leadership of the Muslim Conference including Chowdhary Ghulam Abbas were in prisons. Its leadership in Kashmir valley had neither the courage nor tactics to coordinate the tirade against the Maharaja. A band of Pathans came to the aid of the insurgents of Poonch from Pakistan. The total number of these tribal raiders is yet unestablished and their activities were given a different twist by India and the National Conference.

The whole propaganda engineered by NC leaders was highlighted by the Indian media. Such horrifying tales were spread that even Muslims were misled into believing them. The only airport was then situated upon a plateau (Karewa) in District Budgam on the landed estates belonging to village Kalapora. The tribals reached this village from where they could cover the distance till the airport within an hour but were so misled that they never made it. All this was engineered by the propaganda compaign, the tribal raiders being far from glorious heroes. In Alastair Lamb's book, *Jammu & Kashmir—A Disputed Legacy*, the following comment is pertinent:

"Lack of discipline, combined with tribal love of plunder and the indiscriminate rapine not only caused crucial delays but also caused a most unfortunate public relations image .... ."

In note 26 to chapter VII at page 143, the same author explains that it was the Government of India's propaganda which had maligned the image of those Pathans and created for them an unfortunate public relations impact. It is, however, now established that there were atrocities committed by these Pathans but it could in no way be compared to the loss of life caused to the Muslim minority in Jammu. Pathans did burn the market in Muzzafarabad, did commit excesses with Christian missionaries at Baramulla and it is also a fact that just

before their arrival in a locality, the minority community would migrate to the city with their belongings and would spread horrifying stories about them without experiencing any encounter with them.

On the other hand, five lakh Muslims from Jammu were forced to take refuge in West Pakistan and two lakh and fifty thousand men, women and children were buried alive. The loss of life caused by Pathans to Hindus and Sikhs on the other hand is in proportion insignificent compared to the havoc created for Jammu Muslims.

Yet the white papers of the Government of India, Sheikh Abdullah in his speeches, the leaders of the National Conference through whisper campaigns and through stories published in its official organ, the daily *Khidmat* (Urdu) as well as Kashmiri Pandits—all attributed atrocities to them in the then Baramulla District. In this way, the conscience of Muslims of the valley sharply reacted and condemned their actions.

But as soon the people from that area came towards the south and southern people visited those places which were the alleged targets of such atrocities, this reaction immediately changed its direction. It is this exposure of the Indian media, Sheikh Abdullah and the National Conference which initiated the process of re-thinking and, consequently, the aversion against the Sheikh and India. It started with the beginning of the fifties.

In spite of all this, had not the Pathans diverted their attention towards those activities they would have touched their target before the landing of the Indian army at the airport of Damodar Plateau. The second blunder they committed was their concentration on the Jhelum Valley road. Had they equally concentrated upon the Pathankot-Jammu Highway which was then most undeveloped and was thus considered a feeble link for India with this state, the result would have been quite different. Probably both the Muslim League leadership and the leaders of the Poonch insurgency were either not fully aware of the topography of the state of Jammu and Kashmir or they committed strategic blunders by leaving that entry unsealed which the Radcliffe Commission had mischievously opened for India at Pathankot. Under the scheme of the Partition, the entire district of Gurdaspur of which Pathankot formed a part, had to be given to Pakistan as it was predominantly a Muslim majority district with more than 70% portion of the population. Pakistan politicians and Kashmiri pro-Pak

elements have accused Lord Mountbatten and Radcliffe for initiating this mischief and injustice against Pakistan.

One of the outstanding intellectuals from Kashmir, Khwaja Umar Bhat, in his discourses in the fifties, alleged that the West Punjab Muslim League leadership connived with the British, and Gurdaspur district was given to India. In his view, they wished to be free from the headache of Pathankot and Qadiyan. The former was the headquarter of the late Maulana Moudoodi and his Jamaat-i-Islami whereas the latter was and continues to be the headquarter of the Ahmadis (since declared non-Muslims in Pakistan).

During this crucial period, Hazratbal played no role in shaping the situation. Though Sheikh Abdullah, after he took the reins of administration in his hands, would visit Hazratbal, it was but rarely. It was an era of political ambiguity and suppression of reality. What happened to Jammu Muslims and Kashmiri tonga drivers who were sent to carry them to safer places was mischievously suppressed from the people. The ruling party, the National Conference, opened organisational units in every *mohalla* and village. Each such unit was converted into an oppression cell and propaganda centre. Radio sets were provided with such devices that only Kashmir station programmes consisting of propaganda tirades against Pakistan could be communicated. Citizens were persecuted and prosecuted if they tuned into Pakistan radio stations even in their houses.

Shortage in the supply of the only imported essential commodity for Kashmir — salt (caused by the disruption of the only communication link of the Jhelum Valley Road) was exploited to create public resentment against Pakistan and Pathans. Memories of tyrannies let loose by Pathan rulers in Kashmir during the early nineteenth century were revived with exaggerated details to create hatred against the tribal raiders and the leadership of the Indian Muslim League. Many of its leaders were "Khans". The majority of Kashmiri Muslims (about 90%) were illiterate then and so were initially led by such propaganda.

There was no efficient leadership available in the valley for the J&K Muslim Conference so all this propaganda remained locally unrebutted. As soon as Sheikh Abdullah entrenched himself in power he again took under control the Idara Auquf Islamia which was committed to the renovation and development of Hazratbal. His seventeen-month imprisonment and the year or more which he exclusively devoted to

politics and administration had badly affected the developmental work of Hazratbal. The situation after World War II and the tribal raid had brought massive unemployment to the Muslim artisans and petty traders. The low yield had created a famine- like situation. The food habits of Kashmiris are peculiar to the geography of Kashmir. Rice is the staple food and without it, the Kashmiri considers himself in the grip of famine.

There was only one link of communication, and that was the Jhelum Valley Road which connected the state with the markets of British India leading through the district of Rawalpindi which had gone to Pakistan. The only railway connecting the sub-continent was the Sialkot-Jammu Railway. Sialkot had also become part of Pakistan. Banihal Cart Road was a temporary one and was initially constructed for the Maharaja and his family so that he was not forced to reach his summer capital (Srinagar) from his winter capital (Jammu) via British India. The Kashmir valley was thus virtually cut off from the rest of the world which made poverty, unemployment and scarcity of commodities a permanent state of affairs in the Kashmir economy during the last two years of the forties and the first half of the fifties. The Second World War had raised the standard of life of the Kashmiri artisans, boatmen, traders, curio-sellers, and a great number of Western tourists were attracted to this Switzerland of the East. But tourist trade stopped immediately after the British left India. All these circumstances broke the backbone of the Kashmir economy. So it had virtually no capacity to donate funds for institutions, not even for Hazratbal. The development of the shrine complex naturally came to a standstill.

By mid-1950, Shiekh Abdullah felt that the propaganda carried out by the Indian mass media, the Indian Government, Radio Kashmir, by his own government and his cadres had for some time contained the resentment of Kashmiri Muslims but the pouring in of real facts in the city had started a shake up in the belief in his sincerity and reliability. The uncertainty of the Banihal Cart Road and permanent closure of Jhelum Road and its effects, made people realise that severing all ties with Pakistan was unnatural and would serve as a deathblow to its development. With it, the continuation of the Maharaja's son, Yuvraj Karan Singh as the ruler, made people realise that their struggle for Quit Kashmir had proved futile and the migration of the Maharaja from the state to Bombay was just a

mirage created by New Delhi. The extra-constitutional character of the strong Kashmiri Pandit lobby with Pandit Nehru, fed suspicions within the limited class of intellectuals as well as aware workers of the National Conference. It became evident on the day in the winter of 1949-50, when D. N. Kachroo died in an aircrash alongwith a brother of Maulana Mohd. Syed Masoodi, the General Secretary of the All J&K National Conference. I heard, as a student of 6th Class, a group of National Conference workers discussing the tragedy with our revered teachers. They were gloomy about the death of Masoodi's brother but, unexpectedly, expressed satisfaction at the end of Kachroo. They dubbed him as a link between Kashmiri Pandit landlords and the Prime Minister of India. According to them, they were all busy in destablising the Sheikh. Kachroo was on the personal staff of Pandit Nehru.

The propaganda from Muzzafarabad Radio, though mostly concentrating on exposing exaggerations itself, created doubts about the sincerity of the Sheikh with the masses and more so about the intentions of New Delhi. Sheikh Abdullah was alive to this situation and so rediverted his attention with vigour towards the renovation of the Hazratbal shrine.

On the first of July, 1950 on the one hand, the Indian Constituent Assembly was busy with discussions on the provisions contained in the draft constitution about the special status of J&K while on the other hand in Srinagar, Sheikh Abdullah, his government and his organisation were busy according a warm reception to Pandit Nehru. In the deliberations of the Constituent Assembly, S. P. Mukherjee, MP, delivered fiery speeches against any constitutional guarantee for Kashmir regarding special status in India. In Lal Chowk, Srinagar, Sheikh Abdullah quoted from Amir Khusro's *Naatiya Ghazal* verses to assure his guest, Pandit Nehru, that the former had assimilated his being in the person of the latter and Nehru assured Kashmiris in unambiguous words that he would vacate Kashmir when so asked by Kashmiris. I was one of the vast audience which shared the pleasure of this assurance.

Whatever the impact of the speeches of Mukherjee and Nehru, the Sheikh's reference to a *naat verse* in honour of his guest invited the first reaction of protest from Hazratbal, that too by a *Waiz* who was a follower of the Sheikh.

During the Sheikh's rule, special staff was employed under the control of a notorious police officer who resorted to such measures of terror that a parallel cannot be found even in primitive societies. Even the sermons of religious preachers were censored, people were tortured for wearing green turbans, a colour similar to the Pakistani flag. No one could dare to speak out against corrupt officers or against the supply of rotten rice, soaring prices, the terror of *Halqa* presidents of the National Conference or any other atrocities. Many respectable families were destroyed, including their honour and assets. A glaring instance is that of the Raja of Zachalder, in the present Handwara Tehsil of District Kupwara, who had played host to men of high calibre such as Mohammed Din Fauq, a historian and well-wisher of Kashmir. They were suspected to have played host to the tribal raiders. Political workers of opposite views were either externed to Pakistan or involved in false cases of bomb blasts under the Enemy Agents Ordinance issued by the Maharaja after his abdication. The judiciary, which had shown the courage to resist the interference of the Maharani in a petty case in the court of a Magistrate, was made the first target so that no one dared to knock the door of justice against the atrocities of *Halqa* presidents, police officers, bureaucrats or the favourites of ministers.

In these suffocating circumstances none dared to correct Sheikh Abdullah who recited a Persian verse which had a sentimental background and was for centuries read as a verse addressed by Amir Khusro, a saint, to his beloved Prophet. Even Maulana Masoodi did not dare to criticise this. But it was only due to the exalted eminence and magnanimity which Hazratbal enjoys that an unimportant and barely known preacher condemned the '*Bey Taj Badshah*'—uncrowned monarch (as his fans then called the Shiekh) for the sacrilege he had committed in the eyes of the *Waiz*.

Two more events were responsible for the erosion of the Sheikh's power and organisation. At the same time these culminated the process of rethinking among the Kashmiri masses. Firstly, Kashmir had witnessed for the last several centuries the worst of autocracy. So, the desire for a genuine democratic set-up was very evident. They were told more than once and in the same sacred Hazratbal, that their democratic aspirations could only be nourished in India. They were made to believe that the "Khans" (Liaquat Ali Khan, Feroz Khan, Qayoom Khan, and all other leaders of the Muslim League with the Khan suffix) were

successors of the same Pathan lineage who had till 1825 robbed Kashmiris of their self-respect. They were told that Pakistan was an agglomeration of feudal estates and so could never prove to be a democratic country.

Secondly, they had imbibed in their very blood the spirit of religious tolerance. It was and still is the essence of Kashmiri culture. Pakistan, they were told, stood for religious discrimination, communalism and intolerance. India, on the other hand, was projected as a committed secular country.

Within the first four years of independence it became evident to them that if in theocratic Pakistan, Hindus were killed as a consequence of Partition, secular India did not lag behind since the unabated communal riots exposed the pretentions of the Indian leadership. They were aghast when they learnt that though they protected every house of the minority community in Kashmir, the Jammu Muslims and Muslim tonga drivers from Kashmir were butchered.

By and large, the average Kashmiri's views about Pakistan did not alter much in this respect. They were convinced that India too was not a secular country. To them, if Pakistan was an abode of Muslim communalism, India represented the centuries-old Hindu vendetta against Muslims. On this score too, the Sheikh had adopted a defensive stance but his defence was so weak and incoherent that it was inferred that he had either been betrayed or had betrayed his own conscience.

Tall claims were made that India was the champion of democracy, freedom of thought, speech and action. However, such claims were brought to nought by the reign of terror let loose by the Sheikh and his National Conference with full collaboration from that outstanding democrat of the east—Pandit Nehru. The formation of the State Constituent Assembly purely on the principle of selection rather than election exposed the democratic claims of both the Indian and National Conference leadership. All 75 members of the J&K Constituent Assembly which later drafted the State Constitution and formed the framework of the present Legislature were selected by Sheikh Abdullah. In no constituency was even a semblance of an election allowed. Even Shiv Narain Fotedar, leader of the Kashmiri Pandits, was not allowed to file his nomination papers from the Haba Kadal constituency in Srinagar. As a youth leader Balraj Puri, a veteran democrat and journalist from Jammu, led a

deputation and requested Pandit Nehru to intervene and assure free elections in Kashmir, but he was disappointed.

The founder leader of J&K, Praja Parishad (the predecessor body of the state unit of Bharatiya Janata Party), the late P.N. Dogra, exposed the farce that elections had became ... "if we narrate the factual history of these elections the fascist-like Hitler and Mussolini too will feel ashamed ....[16] "

It is pertinent here to quote from the book: "*Kashmir—Article 370*" by Dr. Mohan Kishan Taing (p 86):

> "Right from the time the preparations for elections began, the parties and candidates in opposition to the NC complained of intimidation and interference. The allegations were largely true. For 41 out of the 43 constituencies in Kashmir Province, not a single nomination paper was filed by opposition candidates. In the two remaining constituencies of Haba Kadal and Baramulla, nomination papers were filed by S.N Fotedar and Sant Singh Teg. But these two leaders too did not remain in the fray. In Jammu Province P.N. Dogra nominated candidates for 27 constituencies of the province, generally filing nomination papers for more than one candidate but 41 out of 46 were rejected, leaving only three for the contest."

On 6 October 1951, P.N. Dogra issued a press statement from New Delhi boycotting the election. It needs to be mentioned that neither S.N. Fotedar nor Sardar Sant Singh Teg posed any formidable challenge from their constituencies of Haba Kadal and Baramulla, and there was very little likelihood of their winning. Both Sheikh and Nehru had begun to hear the vociferous need for change which had swept public opinion by 1951. Shiv Narain Fotedar was summoned to Delhi, assured a berth in the Upper House of the Indian Parliament and so was persuaded to desist from participating in the hustings. He was not in the good books of the Muslims as he had, in the early thirties, allegedly indulged in certain sacrilegious activities. Thus, he was not likely to get a single Muslim vote. The Hindu vote of Haba Kadal constituency would get divided and the ruling party candidate would certainly win. But the Sheikh and Nehru were both too weak to face the electorate.

In the face of a rapidly growing disenchantment with the Sheikh's charisma, he resolved to intensify his commitment to Hazratbal. He made it a point to attend the congregations held on *Meeraj* and *Meelad*. But on the *Meeraj* of 1952 his absence was found to be mystifying. He was in Delhi busy drafting an agreement later called the Delhi Agreement. The Sheikh knew the psychology of his people well and realised that he should face them and explain the situation lest public resentment rose against him. Once again he sought refuge in Hazratbal. From Delhi he made his way directly to Hazratbal to deliver a speech from its pulpit which had been temporarily shifted from the mosque to the extreme west. The compounds, buildings and mosques had become a sea of human heads. The Sheikh assured the people by taking repeated oaths, that he was not a man who could sell or barter the honour of his people. After this assurance, he side-tracked from the main issue by delivering an eloquent sermon on the "Philosophy of *Meeraj*" prepared from *Sirat-un-Nabi* (the Urdu biography of the Prophet by Maulana Shibli)[17]. He concluded his hour-long sermon by repeating his assurances and said :

> ".... I have repeatedly assured you that I will not deceive you and again in this holy shrine. I take a vow that I will never deceive you ... I will withstand any pressure ... I may have to offer many sacrifices ... ."

It is for the historian to assess and decide whether this reflected his sincere intentions or whether it was just a political gimmick. As one in the congregation, I felt that apprehensions about his intentions greatly subsided by the eloquence of his speech. The use of the word "sacrifice" indirectly conveyed an anti-India stance.

Friends Fall Apart

Soon after this Hazratbal congregation, events took a swift turn. A large number of people would attend every Friday prayer at Hazratbal to see whether the Sheikh or any of his close confidantes had to convey something new. Shyama Prasad Mukherjee, leader of the Hindu Mahasabha, defied the legal restrictions prevalent then and forced his entry into the state. He was arrested and detained in the state guest house of Chashma Shahi on the eastern side of Hazratbal. Mukherjee died there and the situation was exploited by parties of different hues. Some people in Srinagar and even in "Mujahid Manzil" considered the Mukherjee episode as a pressure card played by Nehru. In June

1953 he played a progressive card and sent Dange and Z.A. Ahmad of the CPI. They had several meetings with the Sheikh but with no result. Nothing was revealed to the local press. However, reliable quarters conveyed that the two communist leaders had admitted that Nehru was "surrounded" by the most reactionary and Hindu communal expansionist hierarchy. They requested their host to actively align with him so that he was able to defend his secular character. These sources further revealed that the Sheikh retorted by saying: "It is not for me to go to his defence. I can at best, fight my own war against the local Muslim communal politics but Nehru should fight his own battle."

The agitation for complete integration sponsored in Jammu by the Hindu Praja Parishad had a logical reaction in Kashmir valley by further eroding the faith in the secular character of Indian nationalism. The agitation was perceived as manipulation from New Delhi.

At this relevant juncture, Muslim leadership in India was confined to the duo of Maulana Azad and Rafi Ahmad Kidwai. Both were part of Nehru's cabinet. Kidwai was younger and so nourished aspirations of becoming the leader of Indian Muslims on the death of his senior contemporary, Azad. He had apprehensions that the Sheikh, as the leader of the only Muslim-majority state and with sufficient public charisma, was capable of providing tough competition to him and might even overshadow him. He, therefore, had already joined the camp which was busy shattering the internal autonomy of J&K in order to force the Sheikh to have a showdown with India.

Before a complete breakdown became inevitable, Nehru deputed his confidante Maulana Azad to Kashmir. He commanded respect both with Nehru and the Sheikh. Azad was told in clear terms by the Sheikh that beyond three departments, namely Defence, Foreign Affairs and Communications, he would not surrender. On the suggestion of the Maulana, the President of J&K Auqafi Islamia, Sheikh Mohammad Abdullah formally requested him to deliver the religious sermon for the Friday prayers at Hazratbal. Though Sheikh Abdullah would usually make such addresses before offering prayers lest people went away, on that fateful Friday of June 1953, he allowed prayers to be offered first and only then requested the audience to wait till the Maulana concluded his inspiring sermon. Then he sought permission to leave. This treatment given by the Shiekh to the Maulana was sufficient to convey that the triangle of Nehru, Azad and the Sheikh had broken.

The common people began to leave the congregation and the crowd thinned till only those students of the Quran who knew of the Maulana's erudition, were left.

The Maulana recited the 103rd Chapter of the Quran and explained it in his particular and fastidious diction. It is the smallest chapter but to convey and understand its essence, a mature mind and time are essential ingredients. Much was beyond my comprehension then.

"(I swear) by the time verily man is in loss so do righteous deeds and join (together) in the mutual enjoining of truth, and of patience and constancy."[18]

The Maulana explained the essence of time in the light of the importance which the Almighty attributed to it by swearing in it. However, after the congregation dispersed, intelligent people attributed a political inference to it pertaining to the current situation. It was inferred that the Maulana had indirectly warned the Sheikh to heed the delicacy of the moment and refrain from precipitating a confrontation. The coup of 9 August confirmed this contention. However, it is yet debatable whether the Sheikh chose the wrong time for his action or the situation was forced upon him. But it cannot be brushed aside that the insult meted to the Maulana at Hazratbal severed the Shiekh's roots in the corridors of power in New Delhi.

The same Sheikh whom the Indian leadership had launched on the international arena as the sole moulder of the destiny of Kashmir, a symbol of its secular tradition, a revolutionary socialist and committed democrat, was surreptitiously dismissed and detained. Overnight the same man was turned into an agent of Anglo-American imperialistic intrigue, a communalist and an autocrat who with U.S. aid had conspired to convert Kashmir into a second Korea.

A lava of resentment simmered beneath the valley of Kashmir, waiting to burst forth with vehemence. Initially, the resentment was against the Sheikh, his misrule, the atrocities and corruption of his partymen, his deception of the people who had reposed complete trust in him. His illegal dismissal and arrest reminded the people of his claims of sacrifice made from the pulpit of Hazratbal on the fateful Friday following *Meeraj* of 1952. The people rose like one from every part of the state against the defectors and dubbed them as traitors. This public mood caused considerable anxiety both in New Delhi and to the Bakshi camp who stood for what people called a betrayal of trust.

On the one hand, the reign of terror which had started in 1947 was intensified, while on the other, a broad-based policy to corrupt the public mind was launched with patronage from Delhi. It was wrongly assumed that poverty and unemployment were the causes of the agitation and provisions for employment would make it subside. The causes were far deeper in reality. So, though the ointment applied to the oozing sore brought some temporary relief, the disease did not go away but became more severe.

During this upsurge, Hazratbal offered the sole stage to mobilise public support in favour of the movement. It needs to be mentioned here that the mob itself organised the revolt as there was no real leadership. The Sheikh's confidantes were all detained and others who vacillated were purchased for the price they deserved. Soon the initial vehemence of the upsurge subsided, though protests continued. These protest rallies were mainly organised from the pulpit of Hazratbal where the speakers provided both drive and inspiration to it.

On 25 August, 1953 a joint communique was issued from New Delhi and Karachi simultaneously which marked the conclusion of the Nehru-Bogra (PMs of India and Pakistan) parleys against the background of the massacres perpetuated by Indian forces in Kashmir and in continuation of their introductory talks held on the eve of the Commonwealth conference in London two months earlier. In this joint declaration it was agreed that the process of plebiscite would start in J&K by the Ist of April 1954. It proved yet another ploy for India to gain further time but its effect on the Kashmir movement proved to be fatal. People who had vowed to make any sacrifices to achieve the right of self-determination found it unnecessary to undergo the drill of terror any more. Cashing in on this mood, Bakshi and his colleagues argued that the people should take maximum advantage from the material concessions being offered by India till the plebiscite was initiated in April. It was thus that the contagious disease of corruption spread like a malignancy throughout Kashmir. The vehemence of the initial uprising subsided to a great extent. Thousands were in jails, hundreds were killed and others were lured by the deceptive mirages created by that joint communique. Hazratbal alone kept the flame of protest burning. The youth and women led by Mrs. Khalida Shah, daughter of Sheikh Abdullah, and her sister-in-law Syeda Kanth, clad in black *burqas*, did much to revive the waning enthusiasm with their simple but sentimental speeches. It was soon realised that

Maulana Azad had given a warning to the Sheikh at the right time when he hinted that political stability in Pakistan was not mature and strong enough to benefit from the popular revolution in J&K.

Against the backdrop of Hazratbal, in a houseboat on the Dal Lake, an underground ring came into being under the name of the War Council. Its goal was to provide drive and direction to the popular resentment. However, it was not organised and effective enough to make a dent against the wave of corruption initiated, encouraged and implemented by Bakshi Ghulam Mohammad and his men. With the Sheikh in jail and in this vacuum of able political leadership, the visit of Ashoka Mehta in the autumn of 1954 provided an alternative for the disarrayed cadre of workers who had taken temporary refuge under the insignificant local leadership of Khwaja Mohammed Umar Bhat and had established the Awami Conference. It was affiliated with the Indian Praja Socialist Party, the only political organisation in India which agitated against the denial of basic human rights to the people of Kashmir. On his visit to J&K Ashoka Mehta, MP and Praja Socialist Party (PSP) leader, delivering a speech in Parade Ground, Jammu warned New Delhi of dire consequences if it insisted on retaining Kashmir against the wishes of its people. He said:

> We will desire and do deserve that Kashmir remains a part of India but not as an oozing sore on the (democratic) body of India. The erosion of the democratic values and institutions here are bound to become contagious and will spoil the whole system from this place to the extreme south. I will welcome and like that Kashmir remains part of India. I oppose the move to contain Kashmir as an enemy within. If they (Kashmiris) choose to part let us part as friends and not live as enemies.[19]

These statements caused much appreciation for Mehta's party. On his arrival in Srinagar, he and his companions were warmly received by the people. However, while proceeding to Gandhi Park (where the present High Court building stands) to deliver his speech, the goondas hired by the Government hurled stones upon him, attacked his collegues and molested his lady companion, Mrs. Vasant Shroff. This incident paved the way for the establishment of a unit of PSP in J&K under the chairmanship of O. P. Saraf with Khwaja Umar Bhat as its General Secretary. This author headed its student wing in the state.

In 1955 at Basant Bagh in the house of Khwaja Ghulam Mohammad Bhat, the All J&K Plebiscite Front was born under the guidance, direction and leadership of Mirza Mohammed Afzal Beg who had been released for some time from custody to address the Constituent Assembly of J&K. The Assembly constituted of 75 unelected and hand-picked members whose job was to frame a Constitution for J & K. The man who had these members picked up and selected was in the Kud sub-jail. The majority of the members were purchased for petty considerations.

Before the creation of the Plebiscite Front, Bakshi had taken control of the management of Hazratbal without disturbing the constitution of the working committee of Idara but by winning the majority over to his side. His personal "generosity" had won for him the majority of *mujawirs* as well. Bakhshi had sufficient understanding of the value of the *khadims* of a Dargah and knew that Hazratbal and other shrines are the popular institutions through which he could enter the mind of the masses and could, to some extent, neutralise the mass resentment against him. He was conscious that no amount of corruption could win support for India but carried on the policy to administer tranquillisers so as to let the severity of the situation subside till he ruled and his dynasty consolidated its wealth. From the graveyard of Wahab Khar[20], a mystic poet, to the shrine of Hazratbal with particular stress on the shrine of the patron saint Sheikh Noor-ud-din, he took the management of all shrines under his control.

At the time of the creation of the Front, it had virtually no access to any stage provided by these shrines, particularly to the Hazratbal shrine. Thus, uptil early 1958, the Hazratbal stage could not be utilised for any considerable political activity, even by the pro-Bakshi elements. Bakshi too could not dare to use it directly for propagating his pro-India policies for he knew the people would not have tolerated such a "sacrilege". However, from time to time anti-India speeches could be heard from its pulpit.

In December 1957 Sheikh Abdullah was released from the Kud sub-jail and in January 1958 he arrived in Srinagar. He was accorded the warmest reception all the way to Soura, his home village at the outskirts of Srinagar.

Initially Nehru could contain, both in India and outside India, the severe reaction to the illegal dismissal and detention of the Sheikh by raising the bogey of imperialistic conspiracy against Kashmir. He allowed the world to believe that imperialist forces were bent upon

converting Kashmir into a second Korea. Soon his assertions proved baseless. The pressure against the denial of basic human rights in Kashmir increased both in democratic circles within India and abroad.

From 1953 onwards, Maulvi Mohammed Syed Masoodi adopted a neutral stand. At that time he was one of the hand-picked nominated members of the Indian Parliament from Kashmir. This position had no representative character whatsoever. People in general dubbed him an Indian agent and Indian leaders except Nehru and Azad, did not trust him. Bakshi and his supporters were all set to liquidate him as they considered his conciliatory diplomacy a death knell to their vested interests which were sustained only by political uncertainty and stalemate. The Maulana also made behind-the-scene efforts for *rapprochement* and was able to convince Nehru that unless the Sheikh was released, such conciliatory moves could not be initiated. It is against this background that the Sheikh was again after more than four years with his people, that too for only a few months. During this brief spell he made two historical speeches from Hazratbal before mammoth public gatherings. In both these speeches he made references to Maulana Azad who was ill at the time of the first congregation and had died immediately thereafter. The theme of both the speeches was the faithlessness shown by India to him, to the people of Kashmir and to their right of self-determination. He did not give any clue regarding his preferences for any of the two neighbouring powers. The texts of both the speeches were later exhibited as documentary evidence against the Sheikh in the Kashmir Conspiracy case, where it was alleged that through such forceful speeches he had created disharmony among various sections of the people. He was accused of inciting the people to overthrow the legally established government and encouraging cessation. The Sheikh's confidane, Beg, in his lengthy statement under section 342 CRPC explained before the learned special magistrate each sentence and every word of these speeches, exposed the jugglery with which the prosecution had attempted to interpret these words after detaching them from their rightful context and further explained how the totality of these speeches was a propagation of peaceful advice to the Indian leaders to abide by their promise, to the Pakistani leadership to honour the self-respect of Kashmir and to his own people to agitate for their cause with just and peaceful means. It was also argued that the government they were alleged to be trying to overthrow, was established by illegal means.

After the re-arrest of the Sheikh in April 1958, the shrine was again controlled (unofficially) by the government and a sort of undeclared censoring of its proceedings was adopted. That situation had come into force immediately after the Hazratbal murder case was registered with the police and all important personalities, including the pro-India Maulvi Masoodi were arrested under Sections 302, 147, 148, 333, 120-B etc. of the Ranbir Penal Code and were lodged in police lock-ups. The second line of leadership was involved in cases under Sections 28/32 of the Defence of India Rules or Rule 50 of the J&K Security Rules; Sections 2/3 of the Enemy Agents Ordinance and under other special draconian laws or the general penal code of the state. The legal aspects of the Hazratbal Murder Case will be discussed later. Here I will confine myself to etching out its political background.On 28 February1958, according to a previously declared programme, the Sheikh went in a procession to Hazratbal where a congregation of two lakh people had gathered to hear him.

From 9 August, 1953 the ruling National Conference had not held any workers meeting in the city of Srinagar or its adjoining areas except either in their office or in the official residence of Mr. Bakshi. But conspicuously it selected the same day and almost the same time for the meeting of the workers of the District Committee of Srinagar. The venue chosen was Hazratbal, though not within the Ziarat complex but in the nearby Nasim Bagh where now some of the post-graduate departments of the Kashmir University are located.

On the evening of 27 February 1958, a meeting of a "selected few" under the chairmanship of the party General Secretary, Bakshi Abdur Rashid (brother of Bakshi and sarcastically known as the Khruschev of Kashmir) was held in the room of the Superintendent of Police, Special Staff, Mr. Ganderbli, situated in Kothi Bagh police station of Srinagar. The participants evolved a strategy to invite an attack from some sections of the people who would naturally get annoyed upon hearing anti-Sheikh slogans and a commotion would definitely take place. It was decided that Saif-ud-din Makhdoomi, District President of their own district wing, should be stabbed and murdered and consequently a charge of "murder" could be levelled against the Sheikh and his companions.

Mehda Butt, a constable who was serving whiskey to the assembled plotters, heard the details of the plan. The brother of Saifuddin, Mohammed Maqbool Makhdoomi, was an ASI in the same

Special Staff under which Mehda Butt served. He informed Maqbool Makhdoomi and advised him to save his brother tactfully.

On 28 February when the Sheikh was delivering his address to the gathering at Hazratbal, a handful of the ruling National Conference workers raised slogans as planned. Naturally enough, this offended the followers of the Sheikh who had come to hear their leader. They stood up, persuaded the hecklers to stop the disturbance, but they in return abused them. A melee ensued. Mysteriously, Makhdoomi disappeared in the nearby rows of devotees. The hired assailant Mohi-ud-din Bandi, was chasing his victim when a section of the people attacked the tent where the hecklers stood. In the commotion he fell on the ground and an iron peg, holding the tent fixed on the ground, pierced deep into his abdomen. Bleeding profusely and semi-conscious, Mohi-ud-din Bandi was bundled into a jeep. It is reported that on the way to the hospital on the direction of the General Secretary, Abdur Rashid, a knife was pierced into his already deep wound, killing him instantaneously. The proposed victim Saif-ud-din Makhdoomi returned to the organisational headquarters safe and sound. He recorded the FIR and instead of recording his name as the victim of the assault (as was resolved in the special meeting) he himself signed the document as the informant. The FIR included Sheikh Abdullah as the principal accused but it was later changed and his name was deleted. However, the contents of the report made the Sheikh the instigator, abettor and manipulator of the crime.

Sheikh Abdullah seized the opportunity afforded by the stage of Hazratbal. He informed the audience of the circumstances of his dismissal and detention. People gave him the utmost support and assured him of any and every sacrifice. The Sheikh and his people too promised to do all they could to achieve the goal of self-determination. In the 1930s he had made them conscious of self-rule; in 1947 from the same Hazratbal stage he made them conscious of their right of self-determination and now urged them to strengthen mind and heart to achieve this right.

Within days, the central jails at Srinagar and Jammu, sub-jails at Reasi, Udhampur, Kud (I), Batote, Pachot (Kud II), Badarwah, Rajori, Poonch, the police lock-ups attached to all police stations and judicial lock-ups attached to criminal courts throughout the state were packed with leaders and political workers. The conviction in the Enemy Agents case was already ordered by Special Judge Triloki Nath Mattoo. Dingle

Foot, a known British lawyer, had drafted an appeal against that conviction and punishment and had preferred the same before the Supreme Court of India, challenging the *vires* of the Ordinance.

Process of Compromise

Immediately thereafter, the state Inspector General of Police filed a complaint of criminal conspiracy against Mirza Mohammad Afzal Beg and other important leaders of the All J&K Plebiscite Front. Even the defence lawyer who had assisted Dingle Foot in filing the appeal challenging the validity of the Enemy Agents Ordinance, Khwaja Mohammad Amin, was arrayed as an accused in that case. Another Kashmiri Pandit, Nila Kanth Hak, was appointed Special Magistrate for the said conspiracy case and Radha Krishen Kaul, Advocate had masterminded the story forming the factual background of the conspiracy. Sheikh Abdullah was added as one of the accused on 23 October 1958 and brought to the court on 24 October.[21] By that time the general public had come to terms with the situation and were busy enjoying the petty concessions offered to them by an eager-to-please Government.

Had the Government of India taken advantage of the situation and along with petty economic concessions allowed some political concessions too, it could have paved the way for the voluntary and positive involvement of the people of Kashmir into the political mainstream of India. Nehru, had despite all his vision and foresight, some very wrong assumptions about the psychology of the Kashmiri people. He believed that mere subsidised rations, concessions by way of the permit system to the selected few and allotment of contracts to the relatives of political leaders constituted a sufficent price to purchase the conscience of Kashmir. He did not find it necessary to initiate any long-term economic plans involving industrialization. The fundamental rights guaranteed for the whole of India were totally denied for J&K and in spite of this remarkable lull in agitations in Kashmir, the Indian Government did not choose any relaxation in the autocratic polices adopted in the state. Had the people of this unfortunate region been allowed a free choice to elect their rulers, the situation might have taken a different turn than the one we are faced with presently.

Finding that Bakshi had created some sort of political base for himself, Pandit Nehru began to harbour the same apprehensions about him as he had for the Sheikh. To cut him to size, Nehru could have

chosen the best course of seeking a people's verdict against him. Such a situation was possible if free elections would have been allowed in 1962. Instead Nehru, who had right up from 1947 made the Kashmir problem his personal game, started fresh manipulations.

In 1963 Nehru conceived a political plan but Kamaraj delivered it. The plan to politically eliminate *persona non grata* from Nehru's Cabinet applied only to the members of the Indian National Congress. Bakshi was not a member of that organisation, but he insisted on resigning and Nehru found this a god-sent opportunity. Nehru gladly availed of this unexpected opportunity. He had been steadily building pressure on Bakshi to surrender the semblance of internal autonomy which he had so far resisted. A number of Indian politicians were deputed to J&K to mobilise such forces which could pose future threats to Bakshi. One among them, Khadilkar, who had remained an office-bearer of the state People's Conference of which Pandit Nehru was then president, was an independent member of Parliament. He came to Srinagar and approached many political workers to reorganise the J&K National Congress. This author was also approached and assured that the Prime Minister would repay the debt of gratitude with interest. Initially he was reluctant to approach Mohammad Shafi Qureishi, who later became Governor of Madhya Pradesh, but when he eventually did meet him, the J&K National Congress was created. In the face of growing pressure, Bakshi held out for as long as he could. But in his bid to prove himself more loyal than the King, he offered his resignation and insisted on its acceptance. To dislodge the Sheikh, New Delhi had conveniently found a substitute in Bakshi and to eliminate him, Nehru had already made up his mind in favour of G.M. Sadiq. But he was aware that Sadiq had no rapport either with the organisation or with the common people.

Meanwhile, Bakshi aspired to fill the vacuum in the first rank leadership of Indian Muslims created by the deaths of Maulana Azad and R.A. Kidwai. For the sake of wider pastures, he was ready to give up the narrow sphere of J&K politics. But his party men, kith and kin made him realise that by appointing Sadiq, an old political rival, as his successor he had signed his own death warrant and that of his entire family. These elements convinced him that as soon as Sadiq and his group had consolidated their position, (Bakshi Brothers Corporation or B.B.C. as it was nicknamed then) would have to face commissions and enquiries.

Hence Bakshi surrendered before family pressure and instead of nominating G.M. Sadiq, selected a political novice, a junior minister in his cabinet, Khwaja Sham-sud-din as the third Prime Minister of J&K. Nehru was never to forgive him for this insult.

Nehru took this as an act of confrontation. Bakshi had built a considerable base for himself in Kashmir with different sections of the elite. He had also created a soft corner for himself in certain groups in the Jammu region. He enjoyed a rapport with the Indian Muslim intelligentsia, poets, *ulemas*, *mujawirs* of shrines and even with *qawali* singers. He had extensive contacts with a formidable group in the All-India National Congress. In the face of such widespread alliances Nehru could not invite resentment and opposition from all these quarters. Obviously he could not dismiss Bakshi through outright political manoeuvering. By resigning as PM of J&K to become an ordinary worker of the Congress, Bakshi gained appreciation in the rank and file of that party. Simultaneously, by appointing a junior as PM of J&K he had emerged as the kingmaker of Kashmir.

Against such a fluid, ambiguous, obscure and puzzling political background in Kashmir, the Moi-Muqqadas was misplaced from the Hazratbal shrine during the 52nd week of the year 1963.

NOTES

1. Naat poem: See Chapter XI.
2. A verse from the Naat of Maulana Abdur Rasool Khanquahi (1750-1816 A.D.)
3. See "Anhaar", Literary Magazine, P.G. Department of Kashmiri, University of Kashmir, Special "Naat Number".
4. Bawani Das Kachroo, scholar-bureaucrat from Kashmir who lived and died in Kabul in the early 19th century.
5. Arnimal: eminent Kashmiri poetess, wife of Bawani Das. She died after separation from her husband who spent his life in Kabul.
6. Sukh Jeevan Mal: A son of a Hindu Sardar from Rajoori who was advisor to the Pathan Governor in Kashmir. He made a bid to secede from Kabul and declared Kashmir independent in 1785. He was killed within three years.
7. Firdausi: Famous Persian poet, author of world famous epic *Shahnama*. Died during the rule of Mehmud of Gaznav.

8. Shiekh Mohi-ud-din. Rose to the position of Governor during the Sikh regime (d:1843). Buried in the shrine complex of Sheikh Hamoza Makhdoom Sahib, Srinagar.

9. Syed Ali Hamdani: (1300-1383). Harbinger of the spiritual, economic and cultural revolution of Kashmir. Hailed from Hamdan Iran, widely travelled, great author, poet and missionary. Revered in Kashmir as a hero.

10. Mir Mohammad: Son of Syed Ali, was born in 1373 A.D. Visited Kashmir in 1396 A.D. Stayed twelve years and left for a pilgrimage of Mecca in 1408 A.D. and did not return to Kashmir. Carried on the mission of his father, constructed various hospices and left indelible imprints both on the religious and political life of Kashmir.

11. Qadeer: One of the first to participate in the freedom struggle of Jammu and Kashmir in 1931. Data of his life is not authentically available.

12. & 13. Waiz Mohd Yousuf Shah and Sheikh Mohammad Abdullah, both harbingers of political revolution in J&K.

14. Taariekhi—Tehriekh Hurriyat (History of the Freedom Struggle of Kashmir—Urdu) by Mr. A.R. Taseer—vol.2

15. Ibid., p.230

16. Weekly "Jammu Sandesh" (Urdu).

17. Maulana Shibli Nomani : Great scholar of the sub-continent. He has authored a biography of Prophet Mohammad.

18. Translation of the Quran by Abdulla Yousuf Ali.

19. As one of the delegates this author recorded the speech of Ashoka Mehta and preserved the press note issued by the Reception Committee. The file was burnt on 11th March 1995 at my house in Chorasi—Sharif.

20. Ab. Wahab Khar: A mystic poet (d.1971 Bikrami). Buried at Khrew Shaar, Distt: Pulwama.

21. Aatish-i-Chinar: Autobiography of Sheikh Mohammad Abdullah, (the principal accused in the Kashmir Conspiracy case wrongly records that the case was lodged at Jammu. It was lodged at Kud. The defence moved a transfer application with the State High Court for the transfer of the venue of the Special Magistrate from Kud to Srinagar on several grounds but instead the venue was shifted by the High Court to Jammu. (Personal diaries of the author maintained as defence lawyer of the case).

CHAPTER IV

DISPLACEMENT OF THE HOLY RELIC AND ITS CONSEQUENCES

As Kashmiris, we grew up with the sword of uncertainty hanging on our heads. As teenagers we were assured that the arrangement was temporary and it was to be settled in accordance with the wishes of the people. My generation grew up on these assurances, went to schools and colleges and completed our education, got jobs and even retired. But the denial of basic and fundamental rights widened the gap between India and Kashmir, between `us' and `them'.

I sat for the first ever competitive judicial service examination and was successful. I had been in the State judicial service for only two months when Srinagar resounded with the cry of:

"Oh Zalimo, waapas karo!"
(Oh tyrants, return return!)

The whole nation was puzzled about how the holy relic could be displaced. Who stole it and why? Popular sentiment expressed through slogans made it abundantly clear that the people thought it to be the handiwork of a bunch of conspirators. As a new Magistrate posted in the city of Srinagar, I enthusiastically reported to my court. Those days the separation of judicial functions from the executive was not in vogue. I found the orders from the Additional District Magistrate under which I had been posted for special duty at the sensitive post of Lal Chowk. It was thus that destiny created a chance for me to be an eyewitness of the whole situation.

It was 28 December, 1963 and by 10.30 a.m. I was in the room of the Manager, Palladium Cinema, situated at Lal Chowk. After some time an infuriated mob gathered near the present Clock Tower. Bakshi Abdur Rashid, General Secretary of the ruling party, instead of pacifying

the mob and humbly sharing the grief, in his particular brand of arrogance spoke needlessly and senselessly. Within moments he became the target of innumerable *Kangries* (portable fire-pots) which due to the compulsions of the weather and local habit were carried by the majority of the crowd beneath their *Pheran* (gowns). Some kindly souls however saved him and dragged him towards a nearby hotel where he was made to hide. Incidentally, the hotel too belonged to a man from Hazratbal. The sequence of events will follow later on but it needs to be mentioned here that some people were working to shift the burden of this dastardly crime upon Bakshi and his dynasty. Though the general public had long harboured an aversion to the Bakshi regime, his dynasty and his cadre (locally called "*gogas*"), they were not easily willing to malign Bakshi on this score.

Within a few hours, the news had spread to the whole of Kashmir and a pall of gloom hung everywhere. People became restless, left their homes and hearths joining processions, moving, crying, wailing and weeping. Without any plan or programme, all these processions from all different parts of the state moved towards one destination and that was Srinagar. Reaching Lal Chowk, people raised slogans, and stopped there for a while till some volunteers amongst the processionists hoisted themselves upon the shoulders of their companions and delivered speeches. Badshah Chowk was exclusively occupied by women. There was no specific content to the speeches nor much coherence. No one knew what to say but the general mood conveyed their anguish and condemnation. These protestations were hurled at the rulers both in Srinagar and Delhi for this crime against all humanity. After the speeches, the protesters proceeded towards the Jama Masjid in downtown Srinagar. Meanwhile another procession paused at Lal Chowk. From the Jama Masjid the procession moved towards Hazratbal. And so it continued, wave upon wave of people pouring in from all over the state, converging towards Hazratbal.

This spontaneous uprising showed an unparalled discipline. The whole of Kashmir had risen in revolt as people came out of their homes ..... men, women, children, old and young. En route to Hazratbal volunteers organised free snacks, hot tea, simple lunches and dinners. In every locality *maunds* of rice were prepared and served through hand-pulled *redas*. Respectable citizens, including Pandits and Sikhs joined their Muslim brethren in this hour of trial. Despite the severe

winter, Dogras from Jammu sent a delegation of respectable personalities to share the agony of their brethren in the valley. Then the administration fell like a house of cards and there was no government worth its name in the valley. Discharging my duties from within the Palladium Cinema in Lal Chowk, I was virtually a prisoner. All I could find to eat were a few biscuits and cups of tea which the manager could provide from his stock.

The severity of the situation compelled Nehru to appear on AIR in the programme entitled"Address to the Nation" (which normally the PM delivers on Independence Day). In a heavy voice the Indian Prime Minister appealed to the people "to exercise restraint at this hour of national tragedy". He said, "I am sending Bakshi Sahib who will help to expedite the recovery of the holy relic." This was a sufficient indication of his helplessness. But the people resented his reference to Bakshi.

Initially, the duo of Maulvi Mohammad Farooq and Dr. Farooq Abdullah took the reins of leadership but soon it was found to be beyond their competence to provide the required drive for this flood of human emotions. However their "union" buried the bitterness of the past three decades which had created a permanent wedge between the followers of Sheikh Abdullah and admirers of the Mirwaiz dynasty. Mature advice was provided to these young leaders by the Shia scholar, Maulvi Mohammad Abbas Ansari. Another great scholar, Peer Sad-ud-din Tarabali, founder-President of the Kashmir Jamat-i-Islami gave direction to the movement as also did Maulana Masoodi.

The secular character of this movement remained intact throughout. The local chief of a very small unit of the Jan Sangh, Tika Lal Tiplu, an advocate, along with his wife served tea and drinking water to the processionists. On the roadside in Banna Mohalla, Tiplu along with other young Pandits, lit fires so that shivering demonstrators could warm their exhausted bodies. He would embrace wailing processionists and I personally saw him weeping bitterly when he embraced me at Haba Kadal. Initially this movement was confined to the demand for recovery of the Moi-Muqqadas but the mismanagement of the authorities and the use of unnecessary and uncalled-for force led the people to believe that they (the authorities) had, by acts of commission or omission, directly or indirectly, associated the Government with the crime of lifting the holy relic or had at least, connived, instigated or conspired in the commission of the crime. People, therefore, came to the

conclusion that their religious heritage was most unsafe in the face of such political instability. Efforts regarding the future of self-determination gained momentum. Processionists coined a new slogan :

Yeh Muluk Hamara hai
Iska Faisla Ham Karenge

(This is our country .....
we alone shall decide its future).

No agitation in the history of the sub-continent can provide a parallel to this in terms of discipline and orderliness. In 1990 the whole of Kashmir marched in processions towards the headquarters of the UNO Military Observers at Sonwar, Srinagar, but the discipline and self-restraint with which people conducted themselves during the Holy Relic Agitation was gone by 1990.

An eyewitness account of the Lal Chowk protest rally held on 6 January, 1964 and which was addressed by Maulvi Masoodi will fortify my claim. I saw the scene from the window of the manager's office at the Palladium Cinema and heard each sentence of the speech from there.

A disciplined crowd of more than two lakh people who had come in processions from the city and far-off villages, sat patiently on layers of ice. During the two-hour session it was snowing incessantly. Maulvi Masoodi stood up to deliver his speech from the dais and a volunteer unfurled an umbrella to shield him from the snow. He snatched the umbrella, closed it, and threw it aside. Immediately, thousands of umbrellas were similarly rolled shut. The Maulvi spoke for more than an hour and during that period at least two inches of snow accumulated on his shoulders and on the people in the audience, who listened silently. Only at intervals were these slogans raised :

We want
Immediate recovery of Moi-Sharief,
We want
Plebiscite.

The volatile situation was crying out for external interference and Pakistan, as an interested party, felt justified in doing so. Its indecision, however, once again caused it to miss the opportunity. It had missed the chance in 1947 when it could have taken J&K. It missed a golden opportunity in 1953 when the whole of J&K erupted

like a volcano and even Nehru and his Government had been frightened by the strength of the protest and out of frustration had easily agreed to initiate the process of a plebiscite. The consequences of that decision, as discussed earlier, was that the movement subsided, facilitating Indian authorities to go back on their agreement. After a decade, Kashmir again rose like one man and this time even the semblance of Indian authority in this region had crumbled. People took law and order into their own hands, managed the local governance and the situation had reached the stage where not one person would commit a crime against his fellow citizen nor infringe on the rights of his neighbours. But Pakistan was unable to strike while the iron was hot and when, after a year's deliberation, it sent some suicide squads into Kashmir, no rapport could be reached with the local cadres.[1] Similarly, it did not care to take advantage of the situation which was created by the Sino-Indian war. Qudratulla Shihab's[2] autobiography has detailed the causes of these omissions.

"The Kashmiri is unfortunately sandwiched in between intransigent India and undecided Pakistan."[3]

The Hazratbal relic agitation once again proved the truth in this summing up by Mr. Bhutto.

Vivid descriptions of this upheaval appeared in various world papers. Ballads were composed about daily happenings and in the traditional manner, the *ladi-shah* would recite these ballads to the processionists. A lesser known Kashmiri poet, Jalal-ud-din (Indarabi) Gazi of Ratnipora, composed a long poem in the *Masnavi* form describing the day-to-day details of the movement. However, I will quote only from Piary Lal Kaul's book *Kashmir Ke Shabo Roz*, and restrict myself to the description of a procession taken out by the Hindus of Kashmir.

> "Agitating for the cause for recovery of Moi-Muqqadas the processions were organised not only by Muslims of Kashmir. Hindus too organised their exclusive processions, smaller and bigger. The biggest Hindu procession was led among others by this author (Sh. Kaul) and it went through all the streets and lanes of the city and ended at Lal Chowk. There were some Muslims also who joined this procession and raised with us the slogans Hindu Dharam Ki Jai and we (Hindus) joined with the slogans

conclusion that their religious heritage was most unsafe in the face of such political instability. Efforts regarding the future of self-determination gained momentum. Processionists coined a new slogan :

Yeh Muluk Hamara hai
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of Islam Zindabad .... no part of the world can ever produce a parallel to the religious amity, mutual love and trust and to the sense of respect shown for each other's sentiments as was demonstrated during this movement."

B. N. Mullick who headed the C.B.I. had strong views on ruthlessly curbing the agitation and he too has made comments upon this agitation in his book. His assessment of the whole situation and upon the role played by Sheikh Mohammad Abdullah reflects the bias with which Indian bureaucrats, technocrats, civil servants, police officers and other intellectuals have always viewed protests for genuine demands in J&K. They have even seen with suspicion the desire of any Kashmiri Muslim to participate in the Indian political mainstream. Such Indian officers hated Shiekh Abdullah for his arrogance. They condemned Bakshi as corrupt, and were critical of Sadiq as a usurper of the rights of Kashmiri Pandits. In a nutshell, their behaviour towards Kashmir has been and continues to be the same as that of the British officers toward Indians.

The FIR filed on behalf of the state pointed an accusing finger at some of the political enemies of the Bakshi dynasty as being the conspirators behind the displacement of the holy relic. Public opinion was moulded by the opposite camps against Bakshi. The criminal case finally lodged in the court of law took everyone by surprise. Though people had developed an aversion against all *mutwalis*—including the *Mutwali* of Hazratbal—for their negligence, they never raised a finger of accusation against any of them including A.R. Bandi, hence, charging the very custodian of the sacred property proved to be a political joke and nothing short of administrative jugglery. The accusation would have acquired some legitimacy if the investigating agency had attributed some convincing motive for the accused charged for the crime.

Another amazing disclosure was the involvement of Abdul Rashid, a young graduate in Horticulture Science from Tral. The other names disclosed by Gulzari Lal Nanda included an unknown man from Uri called Qadir Bhat. But the people dubbed the entire exercise as nothing more than an eyewash. A resolution was adopted in a mammoth public gathering held under the auspices of the Action Committee in which dissatisfaction was expressed about the investigation and about the men who were accused of the theft.

It is significant that the stolen relic was eventually recovered from the same chamber where it used to be kept, though from an open shelf. This mysterious recovery (or the version of recovery as it was) created a great suspicion in the minds of most rational people. Hence the question of the relic identification to establish its genuineness rose to give a new turn and vigour to the movement. Mr. Vishnu Sahay, I.C.S. the then Secretary in the Indian Home Ministry and the Director of the C.B.I., Mr. Mullick, adopted a strong position saying that there was no question about identification and the people should accept the relic as genuine. They too reasonably apprehended (as any administrator would) that in case, after identification, politics prevailed upon religious sentiment and the relic was declared not genuine, it would became impossible to satisfy the people and control a mass revolt. They were justified in their apprehension as they could read from the situation that there was deep-rooted hatred for India which could supersede the sentiment for the most sacred object in Kashmir..

As administrators, Sahay and Mullick would take no chances. So, they decided to curb the demand with a heavy hand. This was a purely bureaucratic view and politicians were well aware of its consequences. Therefore, Pandit Nehru deputed his trusted lieutenant and troubleshooter, Lal Bahadur Shastri, a Minister without Portfolio in his Government. Shastri was a model of humility and shrewdness. His gentle approach proved successful only with the equally shrewd tactfulness of Masoodi. The latter was conscious of the impossibility of verifying the claim of the relic's genuineness only by the human eye. He knew that even during the *deedar*, devotees can gaze upon the relic only through the glass case.

Masoodi was also conscious of the fact that once the identification ended in a fiasco, the centre of Muslim activity in Kashmir would lose its commanding position. He knew that the administrators like Sahay and Mullick were bent upon curbing the demand for verification with a heavy hand, regardless of the loss to human life. Such sacrifices could be compensated only if there was any chance of success in loosening the grip of India upon J&K, an exercise that was impossible without foreign intervention, and one which the allies of Pakistan would never allow it to resort to. Hence he advised Shastri in such a manner that the identification stage passed peacefully and satisfactorily for all parties concerned. The scholars, saints, seers, devotees who had assembled for the identification, including the contemporary saints of repute such as Syed Meerak Shah Kashani of Shalimar and Peer

Ghulam Mohammad alias Mama Sahib of Kralpora, all claimed that they had never viewed Moi-Muqqadas closely and so cautiously opined, "God wishing it may, with all certainty be the same."

Once the goal of identification was achieved, the public set itself another task. This time it was the vociferous demand to know the real culprit, the real person, group or agency responsible for this sacrilege which resulted in the deaths of hundreds and caused a loss of crores of rupees of public property. There were some forces which had designs other than merely establishing the real culprit. They wished to carry the public resentment against India further and consolidate the people's efforts to press for a plebiscite.

Asli Mujrim Ko Pesh Karo (produce the real culprit) was the slogan of the new movement. It was quite clear that the people's court had already adjudicated that the scapegoats charged for this theft were not the real offenders and the real thief was someone else. This slogan also revealed that the Government knew who the real culprit was and was shielding him. A section of the leadership representing the ideology of the J&K Plebiscite Front and the J&K Political Conference were determined to direct their venom against Bakshi and his family but the general public was not so certain of these suspicions for a few reasons. Both these organisations had clear motives for getting Bakshi maligned for this highly immoral and irreligious act.

On their part the people had more than one reason to be cautious of maligning Bakshi for this act. Firstly, Bakshi was by birth and family tradition a committed devotee of Hazratbal, and so would have most reluctantly been associated with, patronized or connived with such an act. Secondly, the immediate outcome of the displacement of Moi-Muqqadas had gone against Bakshi, his family and his political interests. By installing Shams-ud-din as Prime Minister, Bakshi had consigned the senior-most politician and closest ally of Nehru, G. M. Sadiq, to public forgetfulness. Thus Bakshi had emerged as a kingmaker and destiny-moulder in the Kashmir power game. So, he had no cause to destablise his own creation.

On the other hand, the FIR lodged by the Government itself and authored under the directions of the General Secretary of the ruling party, Mr. Rashid (who then acted as an extra-constitutional head of the administration) included the trio of political contradictions as offenders. They included pro-Pak leader Mohi-ud-din Kara, Shiekh

Rashid, a trader and cousin of Shiekh Abdullah and M.S. Qureshi a pro-integration activist. Yet the common factor binding them could have been the objective of destablising Bakshi and even to eliminate his hold upon Kashmir politics.

Another section of the people had strong reasons to believe that Nehru had blessed or green-signalled such steps which could amount to the political death of Bakshi.

Three Views

The above narration of facts had brought on the surface three contentions, out of which only one could have formed the background to this conspiracy. The first is about the blame on Bakshi. It has been said that there existed two strong reasons which make such a contention untenable. The third is the result which ensued from this whole tragedy. It went completely against Bakshi. His creation, the ministry of Shams-ud-din, was nipped in the bud within a hundred days of its life. A ministry inimical to Bakshi led by his erstwhile colleague Mr. G.M. Sadiq was installed. The first act of this new administration was to withdraw the conspiracy case and release Sheikh Abdullah. He was clever enough and knew more than anyone else, the impact of Hazratbal upon the sentiments of the people.

The second view is what had been indirectly conveyed through the F.I.R., which is that it was a conspiracy. It is argued that Sheikh Abdulla had became disillusioned in prison not due to the mental, physical, economic, and political torture he had undergone as an undertrial but due to the negligible reaction demonstrated by the people on the occasion when he was arrayed as one of the accused in the Kashmir conspiracy case[4] which was pending since April 1958 before the Special Magistrate.

The Sheikh was formally added as an accused person in the conspiracy case. The news had been announced one day earlier on the radio and on the same day as the junior-most defence lawyer I arrived in Jammu from Srinagar. The case was being tried in a special jail at Canal Road, Jammu. After a formal brief hearing before Nila Kant Hak, the Sheikh went to his jail room to offer Friday prayers. I accompanied him to obtain his signature on the *vakalatnama*. He enquired dejectedly:

"You left Srinagar this morning?"

"Yes, sir."

"Had the people opened their shops?"

I could not understand what he wanted to know. In any case, I felt like a dwarf before his tall stature and was overawed by his personality.

"Yes, sir, all the shops have opened."

He fell into a gloomy reverie , heaved a sigh and dejectedly took his seat. Only later did I understand his point. He expected havoc because of his inclusion as an accused person. Earlier this would have happened but now the indifference of the people made him disillusioned about his future. This dejection was multiplied by other circumstances. Besides, the lack of professional ethics in the J&K Bar had disillusioned him. Both in Jammu and Srinagar it was a completely Hindu Bar and not a single Hindu lawyer of repute accepted the brief of any accused of this case. Consequently, the Sheikh and his colleagues had to obtain the services of lawyers from outside the state. Senior lawyer, M.L. Qureshi had defended all political victims, being an outstanding criminal lawyer of this state. He had even defended the late Shri Ram Chand Kak, the last Prime Minister of the Maharaja of Kashmir who became one of the first victims of S.M. Abdullah. The Hindu Bar of J&K could not produce even one courageous lawyer like Lateef. However, it was in the sixties that one of the distinguished Dogra lawyers, Shri Ram Nath Balgotra, in spite of being Vice-President of the Jammu-based Hindu organisation Praja Parishad, did defend — even without remunerations—some "Pro-Plebiscite" accused.

The third cause of his disillusionment was that his own trusted men appeared as prosecution witnesses against him and lied to his face.

Fourthly, Pakistan too, did not come to the help of his people beyond some moral and material support.

The Sheikh, it is said, remained a dejected prisoner, undecided about what to do. He was very bitter about Nehru and his India because he felt dismayed and humiliated. But he had conveyed his assessment to his family members. His sons were busy with their studies and his son-in-law too, was a prisoner. His nephew Sheikh Abdur Rashid was a forest leasee and conscious of the benefits of power so, it was made

to appear that Abdur Rashid was trying to facilitate the release of his uncle and was engaged in schemes to destablise Bakshi who, to their assessment, was the main hurdle in their way. Thus the contents of the F.I.R. connect Sheikh Abdur Rashid with the crime of the theft of this relic. The inclusion of two others, Khwaja Ghulam Mohi-ud-din Kara and Mohammad Shafi Qureshi, both of whom were arrested and hauled up in Kothi Bagh Police Station lock-up, was interpreted in the same and similar manner.

Khwaja Kara had (in their opinion) found the centre of power very close to his ancestral edifice in Batamaloo where he and his cousin and brother-in-law had together entered Kashmir politics. The declaration of the Kamaraj Plan, followed with Bakshi's intention to step down, had sent the happiest signals to the Kara dynasty that its illustrious son, G.M. Sadiq (Kara), was going to be the king of Kashmir. But, Bakshi's brothers and other associates had dashed their hopes to the ground. In spite of being politically poles apart, Sadiq and Mohi-ud-din shared the agony of deprivation from power. So the authors of the F.I.R. included him as one of the accused for lifting the Moi-Muqqadas.

The third political figure included in this F.I.R. and immediately arrested was Mohammad Shafi Qureshi who had recently launched a new political party called the Kashmir National Congress, apparently under the patronage of Teen Murti Bhavan,[5] New Delhi. However, there were some reasons which did not make the story about him credible in the public mind. Firstly, he too, like Bakshi, had a deep emotional attachment to Hazratbal whereas both Sheikh Abdur Rashid and Khwaja Ghulam Mohi-ud-din Kara had allegiance to that Muslim school of thought which considers such shrine adoration as *bidet* — innovation. Secondly, the Big Six of Kashmir politics, Sheikh Abdullah, M.A. Beg, Bakshi, Sadiq, Kara and Maulvi Mohammad Syed Masoodi in spite of their differences, would never allow a seventh figure to emerge. Hence all the six, including the *Mirwaiz* dynasty were, annoyed with Qureshi for posing a challenge to their leadership. So, people did not believe that even if there was any union of minds between the Sheikh and Kara dynasties they could, at all share that secret with Qureshi.

A third view is that when Kamaraj delivered Nehru's conceived plan to eliminate from office the unwanted men, Bakshi (to the surprise of Nehru) offered his head. The latter wanted go but neither expected nor could otherwise demand it. Simultaneously, he got an assurance

from Bakshi that he would get his own favourite, Sadiq, installed, but Bakshi could not keep his word. This provided a strong reason for action against him. Nehru would never forgive a man who had ever defied his dictates.

The Sadiq Government after coming into office, carried out the "assurance given by Nehru to Maulana Syed Masoodi regarding withdrawal of cases against the Sheikh and his release but neither did the new Government do anything to meet the public demand to put to trial the culprit, nor did Maulana, the leader of the holy relic agitation, later on press it and nor did the released leadership ever project the general disappointment or associate itself with the demand to expose the hands behind this sacrilege. This mysterious conduct and connivance from Teen Murti Bhavan[5], Daamani Koh[6], via Batamaloo[7] upto Soura[8] touching Ganderbal[9] and Sarnal[10] too made people derive inferences against them all. Such deductions, inferences and conclusions were not rebutted expressly or tacitly by any of them. When close on the heels of all these events Nehru was attacked by paralysis followed by his consequent death, the common mind was convinced about his involvement, thinking:

Kedes Dargaha Tsend (The Dargah eliminated him.)[11]

Such observations form the judgement of the people. But why should Nehru for a smaller gain, in order to eliminate Bakshi, risk the delicate fabric of the Government of India-Kashmir relationship? The riddle has for long puzzled the public mind and continues to do so. The following excerpt from *Kashmir Ke ShaboRoz* reflects the popular perception of the incident that so ravaged the Kashmiri psyche :[12]

> But the suppression of the causes and conspiracies behind this sacrilege, made their otherwise honourable role suspicious. If the central government was not able to expose the conspiracy and could not apprehend the culprits, its home minister Mr. G.L. Nanda should not have made a statement on the floor of the House exposing itself to an awkward situation by false claims and it was not proper for him to claim the involvement of a few persons whom they never brought to book — Kashmiris condemned Nanda's statement as a blatant lie. Therefore in spite of its praiseworthy role (during the agitation) its concluding obscurity and callousness proved it a party in the theft case.

The impact of this theft upon the public's faith in the judicial system will be treated later but it is necessary to mention here that after filing of an incomplete report against four persons on 6 August 1964, the Governments of the State and Centre failed to file a complete police report for eight years. In 1972 the one sheet paper (incomplete challan) was consigned to the records.

During the final phase of the movement for production of *asli mujrim* (the real culprit) the leader of the Action Committee, Maulvi Mohammad Farooq delivered a sermon in the Khanquah of Abdul Qadir Jeelani situated at Sarai-Bala, Amira Kadal. This is one of the many shrines revered by all. Kashmiri Pandits too swear usually in the name of *Kaha Nove* — the saint with eleven names (that is, Sheikh Abdul Qadir). Thus, one can imagine the popularity of the shrine dedicated to the memory of that great saint.

Maulvi Farooq, though young in age and junior to all the other leaders, had by then, acquired the stature of a hero. Hence, as soon as people came to know that the Maulvi was delivering a sermon, thousands thronged the Khanquah. Due to the constraint of space, devotees sat in rows on the roadside and in the street which was then called "*Shoda gali* ". As the devotees sat in silence, listening to each word of the sermon, the para-military forces opened fire, killing about a dozen devotees and injuring a large number. There was no cause, not even a pretext, for the use of force on that silent crowd. It has remained a mystery till date as to who ordered that firing, why such orders were given and what were the circumstances under which those jawans opened fire.

This has been the tragedy from 1947 onwards that any Tom, Dick and Harry can, at his sweet will, kill dozens of Kashmiris merely by pulling a trigger and no one will condemn such killings nor will there be any enquiry. If at all sometimes an enquiry is conducted under public pressure, its result never comes to light. At the time of the firing, the Government, which owed its origin to the Relic Agitation, had been installed by New Delhi. So, as an eyewash, it ordered a judicial enquiry by appointing Aftab Ahmad Anwar, a District and Sessions Judge, as a one-man commission of enquiry. What happened to his report? What recommendations did the commission make and whom did it hold guilty? No answers were given to these questions. Thorough research is required to find out the result of that enquiry and other similar enquiries.

However, the blood of those innocent people who were with all humility in the august court of their creator, converted *Shoda gali*—the lane of *charas* addicts—into the Shaheed Gate or the Martyr's Street as it has been named since then.

Suicide or Homicide

Nature destined this author to be an eyewitness to several contemporary events connected with Hazratbal by placing him (directly or indirectly) in one or the other situation relevant to its tumultous history. As the Sadiq Government began functioning from the winter capital of Jammu, it immediately directed its ire against the close associates of Bakshi. Ghulam Hassan Kawosa, a Deputy Superintendent in the J&K Police, was a close friend of Bakshi and it is said that the intimacy was closer than the latter enjoyed with his brothers or his only son. They shared secrets. Kawosa had, from the start of his career, been stationed at one place and that too of his choice, but D.P. Dhar, the Home Minister, ordered his transfer to Jammu.

It was the Urs of Sheikh Abdul Qadir Jeelani. This author, along with his family, was returning from the shrine of Khanyar through Naid Kadal when on the roadside we encountered the Kawosa family. They were proceeding towards the same shrine.Only a few hours later we learnt of his sudden death. It is thus that I happened to be one of the earliest visitors amongst the bereaved. So, my testimony has relevance as well as authenticity.

The common question that was put by each visitor to the house of Kawosa at Suthra Shahi in Srinagar was, "How did he die?" Yet, everyone was tight-lipped, giving no answer. Whispers and gossip travelled from corridor to room and from one storey of the house to another. "He has been murdered" was one whisper. "No, he has committed suicide," asserted another. A post-mortem was conducted. The Deputy Inspector General of Police, D.N. Koul together with Ghulam Rasool S.S.P., Srinagar visited the spot.

Kawosa's widow stated that on her arrival from the shrine of Khanyar (where they had met us) she did not see her husband in the room and found the doors open. Trying to locate him, she reached the attic of the house, where she found a wire hanging from the upper side of the door. Her husband was lying flat beside the door, half his body inside the room and half towards the corridor. The perplexed

woman rushed to call her immediate neighbour, Dr. Girdhari Lal who stated that he rushed towards the house and found two men running out from there, entering the adjacent police lines.

The D.I.G. and the S.S.P. who were the same height as the deceased, demonstrated by a mock hanging at the place of his death that it ruled out the possibility of suicide. In their view, the dead man was probably strangulated in some other room and then the body was brought to the attic. Thus, in their opinion, it was a case of homicide. It was believed by many that in order to involve Bakshi in a murder case, D.P. Dhar got Kawosa murdered by his two agents. After completing their task they remained hiding in the same house till the widow suddenly came and then called Dr. Girdhari Lal who saw them running out. Their taking refuge in the police lines suggested that the commission of the crime could be attributed to state manipulation. But the next day Girdhari Lal went back on his statement.

Another view held that Bakshi was the real culprit of the theft of the Moi-Muqaadas which he had engineered through Kawosa. The latter had informed his erstwhile friend and patron of the pressures which were exercised upon him to divulge the truth. Hence Bakshi, to have his mouth closed, eliminated Kawosa permanently.

Yet another view maintained that Kawosa was under constant and heavy pressure from the government to involve Bakshi in the Moi-Muqqadas theft case in order to satisfy the public's demand for belling the cat. Kawosa resisted till he found no alternative but to take his life. This view provides an explanation, showing how Kawosa could not reconcile going against the person who had been so good to him and secondly, he did not want leave an ugly scar upon the fair name of the Kawosa dynasty which has to its credit, traditions of spirituality and generosity.

All three views appear very close to reason and logic but the real reason continues to be elusive just as the mystery surrounding the displacement of the Moi-Muqqadas remains unsolved.

Comic End

The frustrated and short-lived Prime Minister Shams-ud-din, along with his cabinet, was in the winter capital of Jammu counting the minutes of his power when Bakshi managed to wangle a resignation

from him to pave the way for G.M. Sadiq's elevation to the post. To supervise the enactment of the drama of change, the Congress high command deputed Lal Bahadur Shastri as the central observer. The change as desired by New Delhi at the time of the conception of the Kamaraj plan was finally carried out. But it proved to be at too high a cost.

The outcome of this movement was the withdrawal of the Kashmir conspiracy case and the release of its accused Sheikh Abdullah, Mirza Mohammad Afzal Beg and their colleagues. Besides, three civil servants and an engineer were also reinstated. People again felt deceived and their case for a plebiscite was again jeopardised. Maulvi Masoodi directly and expressly, and Sheikh Abdullah and Beg tacitly and by their active connivance, paved the way for Nehru to install a government consisting of men expressly committed to the complete integration of the state with India. It was clear to all thinking people that this once sacred movement was mischievously channelised to counter all the sacrifices of the Kashmiris. The Sheikh too felt that he was politically emasculated by Nehru's manoevures. The process of integration was started by the newly established Sadiq government by disbanding the All J&K National Conference and by converting the organisation into a state unit of the All India National Congress. The Sheikh opposed it by declaring a call for 'social boycott' against members of the National Congress. Mirza Beg and his J&K Plebiscite Front supported the call. Strangely, Maulvi Mohammad Syed Masoodi who was a non-partyman, was the brain behind such a pro-Indian diversion given to the holy relic agitation, as a theoretician. The Shiekh's abortive visit to Pakistan explained the genesis and importance of the 'social boycott' call. Such a stance on his part created doubts about his credibility and it needs to be mentioned here that he lived and died as an ambiguous politician.

However, before the complete breakdown of his relations with New Delhi, Nehru blessed the Sheikh with an opportunity to pay a visit to Pakistan. He and his party were given a warm reception by the people and the government of that country.

Several reasons are ascribed to this decision of Nehru's. It is said that the Hazratbal agitation made him realise that he was walking upon a volcano that could erupt at any moment, causing havoc in the sub-continent. He was also aware that though the Sheikh faced opposition in both India and Pakistan and even within J&K, the charisma of his personality could be well exploited to play a go-between role in the

process of normalisation of relations between the two countries. But the Sheikh had yet to initiate the process when Nehru died, leaving him utterly broken and his efforts shattered.

This unforeseen turn of events weakened the demand for "*Asli Mujrim Ko Pesh Karo*" (produce the real culprit) and with it the Moi-Muqqadas agitation too gradually wound down. This did not by any means imply that Hazratbal's importance as the central stage of Kashmir politics lessened. In fact, its enhanced importance necessitated its complete renovation.

During the Two Wars

As stated earlier, Pakistan had on several occasions, missed the opportunity to seize the moment. It failed to board the bus when the Moi-Muqqadas agitation caused a momentary halt. As soon the bus again sped and disappeared from sight, Pakistan started chasing it. The benefits of the Moi-Muqqadas agitation were reaped by New Delhi by installing a pro-integration government. The Sadiq regime created pockets of influence both inside and outside the state.

The suicide squad sent by Pakistan, which created a war-like situation, could not cut any ice as the infiltrators had not prepared the ground by any proper political education of the masses. They did, however, enjoy the sympathy of the common people and, even the ignorant villagers offered them hide-outs, refuge and food, at the risk of their own lives. In spite of all this widespread sympathy, the support was lacking as there was no groundwork done earlier. Had there been locally trained cadres with them the situation could have compelled India to make concessions. Also, there was no supply line maintained by their 'senders' to make their presence much more effective. Inevitably, a second war erupted in the sub-continent.[13]

From 1965 to 1971 it was Hazratbal alone which kept the memory of the cause for a plebiscite alive for the people who were on the one hand, mired in pessimism about their future and on the other, were out to grab more concessions. The Plebiscite Front was banned as soon as the 1965 war started. The leaders of Jamaat-Islami were also sent to jails. Before the Relic agitation the Jamaat had more tangible and result-oriented programmes to create a strong cadre of committed faithfuls by imparting the political, economic, social and other allied

facts regarding Islam. They had thus created a nucleus of educational institutions, study circles, reading rooms, libraries and preaching centres throughout the state. They were busy producing the raw material for an "Islamic revolution". Their political ambitions however, left the process in the doldrums and because of their politicisation their schools, circles and reading rooms were banned.

The J&K Political Conference with pro-Pakistan leanings had virtually ceased to function in view of the fact that the state at the relevant time was ruled by the Kara dynasty through its member G.M. Sadiq and his cousin G.M. Kara who headed this pro-Pak organisation. It cannot be denied that some of its hard-core leaders such as Mir Ghulam Ahmad, proved unpurchasable.The Awami Action Committee was confined to the main pocket of influence of the Maulvi dynasty downtown. The majority of those dedicated fans of *Mir Waiz* had died and others had been compromised with by concessions.

The intellectuals, mainly constituting government servants, had become active agents to devise and implement the policies against their own people. They devised new techniques of rigging in elections and thus facilitated mainly the unopposed return of the official candidate for the Legislative Assembly. The law department of the government, manned by expert legal pandits, eroded the autonomous character of the state of J&K for the sake of higher grades, positions and elevations.

Poets, writers, journalists—all had fallen prey to rampant confusion, disillusionment and corruption. The poet in the "fashion of modernity" alienated himself from the people, writers followed suit and journalists became the petty concession-seekers of advertisements. In this race for affluence, Hazratbal gradually became one of the excursion spots for the upstart upwardly mobile groups.

Greed for personal benefits and compromises, corruption in political forces, exhaustion of the dedicated cadre of the Plebiscite Front and the Kashmir Political Conference, the emergence of opportunistic and concession-seeking new political splinter groups, political adventurists among the Jamaat-i-Islami, family pressures upon the Sheikh to loot the state exchequer, deceptive policies of the Founder President of the Kashmir Political Conference, dramatic emergence of novices such as Shamim Ahmad Shamim and M.S. Qureshi—all these factors separately and collectively emphasised the need to rethink. However, there were three non-local contributory factors which accelerated this process.

These were firstly, the failure of democracy to take root in the soil of Pakistan. Continued military dictatorship made the Kashmiris doubtful of ever getting their due share of independence in that country. The stance of the Pakistan People's Party against the majority's mandate further strengthened such doubts. Above all, the defeat of Pakistan and its dismemberment into two countries proved a death blow for the decades-long urge to become part of that country. It appeared a destination of impossibility. The political soil of Kashmir was so fertile at this hour that a consciously far-sighted leadership in India Would have availed of this opportunity and sown the seeds of good-will which could have resulted in a voluntary process coupled with the assimilation of sentiments on a people to people level. Kashmir culture, would have (in such a situation) become a distinguishable dimension of the rainbow of Indian culture. But at this critical hour, the Indian leadership was chauvinistic rather than nationalist, it was guided by expansionist compulsions rather than by principles to expand Indian democracy, it was pivoted on the likes and dislikes of individuals rather than the necessities of collective benefit. Thus it could not evolve traditions well-suited to the development of a budding democracy.

Electoral Adjustments

The Indian leadership, particularly Mrs. Indira Gandhi who moulded the destiny of this vast sub-continent, had lost all other considerations save for a war front where India had emerged victorious. Hence, instead of opening the doors for the participation of the Kashmiri people in the Indian institutions of democracy, she restricted the entry to the pre-condition of complete surrender and the accomodation of a handful of her blue-eyed boys who were her sycophants masquerading as Congressmen. Had she allowed the natural rejection of such elements at the hustings, the people would have even rejected the traditional leadership. Through this experiment of rejection, a new leadership, consisting of different groups, could have emerged. Indian interests would have remained safe either way by leaving those groups in disarray or by collecting their scattered fragments with the clear understanding that such a collection must be for the larger "national interests" of India.

Mrs. Gandhi was keen to dictate the terms for surrender to her "own people" (as India claims Kashmiris are) and a process of surrender was duly initiated. However, as was only expected, the 1972 election also disappointed the Kashmiri people. Its preface was the 1951 election

to the mother of the Legislative Assembly, namely the Constituent Assembly. Other chapters were similar elections of 1957, 1962 and 1967. After the1971 war, the Government of India was under pressure from the superpowers, especially its reliable and trusted ally, USSR, to politically satisfy the people of Kashmir. Hence, to meet this demand the policy-framers in Delhi embarked upon a scheme which could give a semblance of election to this process of selection. Sheikh Abdullah, Beg, even Masoodi could not digest the suggestion of cooperating with the Congress in the elections nor did they agree on limited participation. Mrs. Gandhi therefore, began looking around for a second fiddle.

Shamim Ahmad Shamim, a many-faceted personality, an orator, writer, journalist and critic had developed a proximity to 1, Safdarjung Road [14], New Delhi as a member of the Indian Parliament. He had no political standing or manifesto though by dint of sheer opportunistic ability he had sneaked an entry into the State Assembly in the 1967 elections ostensibly as an Independent but really as a "proxy" candidate of G.M. Sadiq. He trounced the strongman of Kashmir, G.M. Bakshi, with the tacit support of Sheikh Abdullah, the active management of Maulvi Masoodi and the internal support of G.M. Sadiq, the C.M. However, he had no personal influence beyond his brothers-in-law and six friends. So, when approached to float his own party in the elections, he demanded placement for all his associates, totalling a round dozen. New Delhi agreed to half, which Shamim was reluctant to accept.

In the meanwhile Syed Mir Qasim, the C.M., had sent feelers to the J&K Jamaat-i-Islami which was not initially approved by New Delhi as they considered the Jamaat a communal organisation. Failure of parleys with Shamim made New Delhi negotiators contact a section of the Jamaat. In spite of opposition from its Amir, the group was satisfied with five to six seats so that they could make their presence felt. It was reported that in the list of candidates which was approved by Mir Qasim, Mrs. Indira Gandhi did not, however, agree to sacrifice a Kashmiri Pandit, Mr. Manohar Lal Koul Karihalo, who was the official candidate from Devsar constituency in Tehsil Kulgam of Anantnag District. Hence the stalemate. The official candidate from Kulgam, Mohd. Yaqub Bhat, was sacrificed to concede one more seat for the Jamaat nominee, Mr. Abdul. Razaq. More or less the same number were conceded in Jammu to the adversary of the Jamaat, which was the Jan Sangh. For the Indian government, it was a foregone conclusion that the two groups, instead of opposing government policies, would

oppose each other. The government , on its part, killed two birds with one stone. It could convince the democratic forces in India and friendly powers outside that the people of the state had participated in elections. Secondly, it would not have to get any of its plans, measures or policies, checked by the legislature as the two opposition groups would remain busy squabbling with each other.

There were convincing reasons to counter the claims of Syed Mir Qasim, the State Chief Minister, who was running the show in Kashmir. In 1971, after the death of G.M. Sadiq and the fall of East Pakistan, a process of complete re-thinking had emerged among the Kashmir leadership. G.M. Kara, the chief of the pro-Pak J&K Political Conference was, for several reasons, keen to enter the fray of elections. After the death of G.M. Sadiq , the 'Kara' dynasty had lost power. Maulana Masoodi had, from 1953, been playing all sorts of power games. The Sheikh's dynasty was apprehensive of the emergence of "novices" in J&K politics in the lifetime of the towering Sheikh. Yet, two important personalities had emerged. They were Sofi Mohammad Akbar and Haji Mohammad Ishaque who exerted some influence on the Sheikh. The Sheikh, true to his temperament, was not ready to surrender to the Centre's terms but was convinced that the people should participate voluntarily and if they chose he would follow. For the first time in his life, he proposed that the leadership should be guided by public opinion. He agreed in principle to free and fair elections (which he had denied in his own rule) and the voluntary participation of people in such elections. So he withdrew the call of boycott of elections given in 1957 by the J&K Plebiscite Front and the J&K Political Conference and agreed that Maulvi Masoodi and Khwaja G.M. Kara should visit New Delhi to elicit support for this new trend of voluntary participation. But the Congress leaders insisted on an accord.

In other words, the fairness of the elections could be guaranteed only if the Kashmiri leadership surrendered before Her Majesty, signed an accord, and agreed on a marriage of convenience between the Indian National Congress and the party which the Sheikh might establish after disbanding the the J&K Plebiscite Front and the J&K Political Conference. The Sheikh's allies would not have hesitated to sign any document of surrender but were not ready to accomodate what they called "rootless rejected stuff of a hand-picked agent". On the other hand, Mrs. Gandhi was more particular about the interests of Mir Qasim, Mufti Syed and her other blue-eyed boys. She sacrificed the larger national interests

to suit the ends of her sycophants. So on the return of Maulvi and Kara, both were arrested at Lakhanpur to deter them from defying the wishes of Indiraji and to opt for voluntary participation in pro-Indian politics without signing documents of surrender at the threshold of 24, Akbar Road[15].

Another drama of selection was played in J&K in which about a dozen of seats out of 75 were conceded to shattered groups of the opposition. Such concessions too were devised and dictated by the ruling party so that the close allies of G.M. Sadiq were eliminated.

The selection hoodwinked neither genuine Indian democrats nor friends of India outside. The farcically elected C. M. Syed Mir Qasim was authorised to pave the way to accomodate Sheikh Abdullah. In this bargain Mirza Mohammad Afzal Beg entered a game of hide-and-seek with G. Parthasarthy[16] (representative of the Government of India) and a comedy of Indo-Kashmir deliberations were enacted in New Delhi. Beg was too keen to enter the corridors of power and so nothing did emerge from his talks with Parthasarthy which could guarantee at least, a face-saving device to Sheikh. It explains the later break of the relationship between the two old friends. Sheikh did believe that Mirza Sahib engaged himself in deceptive deliberations only to deceive him. Though Beg had demonstrated his lust for power, he was not solely responsible for the Sheikh-Indira Accord of 1975.

The Jamaat, by plunging into these elections, took a premature decision. This party was in the midst of a cultural revolution (as they called it) of Muslims of J&K and was busy in the manufacture of a "viable" raw material for a political revolution. So their abortive decision of 1972 proved to be a change of horses in midstream. Amir Jamat, as quoted, had cautioned his party to wait till it was able to make a durable base in the second generation. He further believed that the elders were more cult-oriented and could not care for programmes. Secondly, their decision provided a strong argument with Beg and the Sheikh's family to convince the latter about the eagerness of the peoples' participation in elections. It was argued with him that if he missed the chance the vacuum in leadership was bound to be filled in by others.

From 1969 the Sheikh had devoted all his energies to the renovation of Hazratbal. He had gone from house to house in the city and in other towns to collect donations for its reconstruction. This also gave him an insight into the change in the life standards of his followers which

had taken place after his dismissal and arrest. He had warned that conscience should not became a purchasable commodity in exchange for foodstuff or luxuries and now he could see his apprehensions had proved correct. People had, by and large, compromised themselves for a temporary phase of affluence and false standards of living.

All these factors—the disintegration of Pakistan, apathy in world public opinion, treacheries of the power game, widespread corruption in every walk of life in J&K, the family pressures of the Sheikh, the active connivance of Beg, the demonstration of interest in elections both by the people and anti-Indian parties, the unabated urge among the majority of the Plebiscite Front cadres to have a taste of power, made Sheikh Abdullah reach a compromise for the sake of the weak and broken chair of the Chief Ministership. He was destined to become the lion of Kashmir and had dominated Kashmir history for a crucial period but the teeth of the same lion were extracted by Mrs. Indira Gandhi. This was memorably depicted by the cartoonist of The Statesman, New Delhi on the day the Sheikh was administered the oath of office as the Chief Minister of J&K. (See also Note: 13).

Though after February 1975, the Sheikh's popularity began to nose-dive, his deep-rooted association with Hazratbal kept him politically in tune with the masses. Within a short period of a few months, the Congress began to try to destablise him and to throw him into a deeper ditch, threatening withdrawal of support in the legislature. Fortunately for him the defeat of the Congress and the installation of the Janata Government saved him from such a shameful fall. Hence Governor's rule was imposed in J&K and the Assembly was dissolved. During the election period the Sheikh was confined to bed due to a heart ailment . His condition created a wave of sympathy and so the people for his association with Hazratbal, arranged special prayer congregations at this shrine for his early recovery. It was attended by lakhs. Thereafter, similar congregations were held at other shrines like Charar-i-Sharief and Makhdoom Sahib. Such congregations on their own strength propagated the cause of his candidates and thus in this first ever free election of 1977, the Sheikh bagged 52 seats out of 75. In spite of this significant majority (in excess of two-thirds) the Sheikh was not able to implement the clauses of the Indira-Sheikh Accord which were of little material significance for the people of J&K.

According to the terms of the Accord, the Sheikh and his party could annul, amend or confirm the laws extended to this state after 1953. But from the day of taking power till his death in 1982, in spite

of his vast majority in the legislature he was not allowed to appoint even a sub-committee of officials which could examine such laws and submit a report as to what specific pieces of legislature could be retained, which needed amendment or which deserved repeal. Instead, Mrs. Indira Gandhi, immediately after the installation of Sheikh Abdullah as C.M. in 1975, stated in a press conference that there can be no reversal in the decisions taken in the past. It is because of such experiences that the people of J&K have no faith in the promises of India and in any accord with the Indian government. It is also why the people of Kashmir say that there is no accord possible between a "lamb and a wolf". If we go deeper into the causes responsible for militancy, the continued breach of promises can be ascribed as one of the main reasons.

However, comparatively speaking, a free election, rather the first ever election held in J&K, was that of 1977 for which the credit goes exclusively to the P.M, Morarji Desai and Mr. L.K. Jha, Governor of J&K. It should not be construed that this election was fair in the literal sense but was surely free from official interference. The unfair means used can be attributed to the immature democratic tradition of the sub-continent.

This election left a deep imprint upon the minds of the people. Its impact was felt across the Line of Actual Control and was considered a miracle of the people's supremacy and their ability to defy and defeat at the hustings in a small state (that too in a sensitive state) the party which at that time ruled the whole country of India. General elections of 1983—which too witnessed official interference and gangsterism of the ruling party—was nonetheless deemed "fair" as it too provided a verdict against the ruling party at the Centre. This election again created doubts but against the main two contenders, the National Conference and the National Congress, and not against the institution. Thus, it too was another milestone in the process of the democratisation in J&K, revealing that the people by and large were interested in voluntary involvement with democracy and its organs. But before these feelings could crystallise, Mrs. Gandhi's actions reversed the process. Before I narrate the gist of these events, it is essential for me to revert to Hazratbal again.

After finally landing in the broken chair of the Chief Ministership, Sheikh Abdullah issued a tacit corrigendum to his earlier will by which he had wished that his dead body be thrown in the Arabian Sea. Before

his death he acquired a plot of land at Hazratbal, close to the shrine, and willed his burial there when he died. This was done on 10 September, 1982.

Various views were expressed about this modified will. The older generation considered it a demonstration of his love, attachment and association with Hazratbal but the youth dubbed it as political exploitation. In their view the Sheikh, by choosing eternal proximity to this shrine, had devised a permanant way to boost the interests of his progeny by exploiting the services which he had rendered to the Dargah. However, the majority considered this move as the conversion of Hazratbal into a family asset. They considered it (i.e. the Sheikh's burial at Hazratbal) a concluding part of the mischief which he had committed by almost erasing the signs and traces of the graves of great and dedicated lovers of the Prophet (PBUH), the graves of Haji Noor-ud-din Ishbari, his daughter Anayat Begum and her husband Bulaqi Bandi[17]. Their graves were brought under the extended construction of the shrine. Not even a signboard specified the place where that lover rests in eternal peace who, in exchange of his assets risked his life to acquire the relic from the south to the extreme north. Even a reading room or a portion of the library is not dedicated to his memory. Thus it was believed by this sceptical section that the Sheikh had wilfully done so and had directed his own chosen trustees to elect his son as Chairman for life after him. It is concluded by the youth that Sheikh Mohammad Abdullah converted Hazratbal into a family asset to perpetuate rule by his progeny. There were apprehensions expressed immediately after he modified his will that those henchmen recruited as trustees (who were either his relatives or ex-civil servants or his sycophants) would, within minutes of his death, appoint Dr. Farooq Abdullah as the life Chairman of the Muslim Auqaf Trust. This assessment proved correct as immediately after his death, they did not miss a minute in installing Dr. Farooq.In fairness to the circumstances we should record that these hand-picked trustees were busy legalising the exploitation. The holy relic is a personal acquired property of the heirs of Haji Ishbari but by sheer high-handedness, the genuine claimants have been side-tracked.

During the tenure of his chairmanship from 1982 to 1989, no new project for Hazratbal was embarked upon. On the other hand, the savings or the Trust money were distributed as *Qarzi Hassan* (interest-free loan) among the rich relatives and partymen of the trustees who with such huge sums accumulated assets worth crores of rupees.

Farooq Abdullah was inducted as Chief Minister of Kashmir by the dictat of the Sheikh who in his own time appointed him head of the ruling party. New Delhi had several times given hints of their preference for Farooq and against G.M. Shah, the son-in-law of the Sheikh. The latter, in comparison to Farooq, had a political background and was in command of the party cadre. The Sheikh had sensed this attitude of New Delhi and so paved the way for his simpleton and non-political (as he called him)son instead of his "politician" but ill-tempered son-in-law.

New Delhi had always desired and tolerated a weak leadership in Srinagar and was apprehensive of a political worker who enjoyed a local base.It believed that Farooq would depend solely upon the Centre whereas G.M. Shah (locally called Gula Shah) might prove a tougher case. But after his installation, Farooq rebuffed D.D. Thakur and G.M. Baderwahi (senior cabinet colleagues of his father) in Iqbal Park which greatly puzzled New Delhi too.

To the dismay and disappointment of New Delhi, Farooq tried to make his friends beyond 24, Akbar Road, New Delhi. This hobnobbing was considered as an affront by Indira Gandhi. Farooq demanded with great stress the maintenance of internal autonomy and preservation of the Kashmir identity. These demands were neither new nor unreasonable. He was under constant pressure to surrender the semblance of autonomy which the state till then retained, not in practice but on paper. There were even pressures to scrap the laws regarding permanent residence which were authorised, devised and implemented with vigour by the Maharaja of Kashmir. Farooq's colleagues, even non-Muslims like his Minister for Land Revenue P.L. Handoo, did not agree to yield to that extent. Even the heir of the late Maharaja and an ex-minister of Indira Gandhi's cabinet, Dr. Karan Singh, was not happy with such moves.

External pressure and internal resistance created a complete vacuum in the relationship between Srinagar and New Delhi. The breaking point came about when the process of the 1983 general elections was initiated..

Mrs Gandhi pressed Farooq to have an electoral adjustment with her party and ensure the smooth sailing of her blue-eyed boys in the Pradesh Congress Committee. Farooq did not agree. In this clash of personal interests, the Congress fought elections in Jammu as the sole saviour of Hindu interests, while in the Muslim districts of that province,

Farooq projected his party and himself as the champion of the cause of Muslims. This communal polarisation by two pretenders of secular ideologies reached such a level that in Baderwah, in Doda district of Jammu province, the BJP candidate openly propagated the success of his rival Congress candidate so that the Hindu vote would not be divided. The third candidate representing the mandate of the National Conference, himself a Hindu, advised his kith and kin to vote for the Congress.

It was thus that Mrs. Gandhi and her party forced Muslims to accept Farooq as the representative of Muslim interests. Political analysts have attributed the success of Dr. Abdullah in the 1983 elections mainly to two factors. Firstly, it was a sympathy vote as the Sheikh had died only a few months before the elections. Secondly, the communalisation introduced by Mrs Gandhi helped Farooq to win from Muslim districts of Jammu province.

Twenty years ago in 1963, Pandit Nehru had reacted with vengeance against Bakshi as the latter could not keep his word to instal G.M Sadiq as his successor in Srinagar. In 1983 Mrs. Indira Gandhi reacted with contempt, vengeance and emotionalism to the affront given to her by Farooq at the hustings. She did not and could not forgive but she acted treacherously by butchering values in J&K. Had she waited, kept Farooq otherwise on tenterhooks and chosen a cadre with a clean image for the state unit of the Congress, the Farooq government was destined to fall under the weight of its own follies. There was no other choice for people except the Congress party and thus the healthiest trend for Indian interests would have been the only alternative. But under the emotionalism and desire for vengeance and revenge, she did not wait for the logical turn of events and acted arrogantly. By installing Jagmohan as the Governor with a clear mandate, by engineering defections and thereby, the dismissal of Farooq and further by the installation of a ministry of defectors, the national ego of the people of J&K was not only hurt but humiliated. Thus the process of "Indianisation" of minds got a jolt and so the encouraging trends initiated by L.K. Jha and defended by B. K. Nehru were not only arrested but reversed. This illegal and immoral method appeared generally to all a conspiracy against the people of Kashmir, utter disrespect of their mandate and a clear signal that New Delhi has scant respect for the people of the state.

It is in this process that Shah, the C.M. and leader of defectors, used his Food and Supplies Minister, Hissam-ud-din Bandi of the

Hazratbal Bandi family to snatch the opportunity to display the *deedar* of Moi- Muqqadas. They had planned to manage his entry into the strong-room housing the relic through the second door which used to remain closed from inside. The plan was leaked and the supporters of Farooq blocked this entry point by building a wall inside. Thus such an attempt was foiled. It is here at Hazratbal that the views and comments expressed on this anti-Indian action of Mrs Gandhi showed that committed pro-Pak elements were all praise for it. They believed that the two great old stalwarts—Morarji Desai and L.K. Jha (who had protected the spirit of the Constitution and had consolidated the traditions of democracy) were enemies of their interests while Mrs Gandhi and her agent, Jagmohan, had once again given sustenance to their cause.

Indira Gandhi, besides taming Farooq Abdullah, conveyed a loud and clear signal to the people of J&K, that they had no significance in moulding their destiny. It was only New Delhi and more so, the Nehru dynasty, which could make or mar its fortune. Secondly, the state leadership was cautioned to act in the way in which Delhi wanted them to act. The leaders, including the naughty boy, Farooq, learnt the message and fell at the feet of his erstwhile friend, Rajiv Gandhi.

In the meanwhile Operation Blue Star, the Sikh insurgency and consequently the assassination of Mrs. Indira Gandhi, threw the political developments in Kashmir into the background. The elevation of Rajiv Gandhi to the office of Prime Minister and his impressive victory in the elections opened avenues for Dr. Farooq to regain the lost paradise. Thus another "marriage of odds" was the result of these events. One more deceptive, spiritless and opportunistic Accord known as the Rajiv-Farooq Accord consolidated the views of the aware common people of Kashmir that in the circumstances which swiftly took place in succession to each other from 1947, India had no intention to allow J&K to voluntarily participate in the evolution of the democratic system. The belief was fortified by this new Accord which showed that no democratic system of power shall be allowed by the rulers in New Delhi. The Rajiv-Farooq Accord only granted license to Farooq to rule J&K but with the rider that his party had to act as a *de facto* unit of the ruling party at the Centre. It is thus that the general reaction against this Accord and apathy, contempt and disgrace for Farooq became the rational consequence. After taking over as CM under this Accord Farooq, except for consolidating his grip on

the assets of Hazratbal, had no interest in it. He had found his refuge elsewhere.

The Rajiv-Farooq Accord had no documentation so its content, purport, object, nature and terms can be inferred from the events which immediately followed. It was firstly to have the Farooq ministry re-installed by the same agent through whom it was finished. Secondly, its dominant object (rather the only object) was to share power between Farooq and the blue-eyed boys of Rajiv Gandhi, an objective to be reached by any means, legal or illegal, moral or immoral. Hence the fraud of the elections of 1987. What was the nature of this election, how it was conducted and what its impact was can be well summed up by the very order passed by Jagmohan in January 1990, while dissolving this Assembly. It was constituted during his first term of governorship under the unwritten terms of the Rajiv-Farooq Accord. It is unfortunate that the elite and intellectuals of India forget events of significance and of their immediate past. These elements appreciated the dismissal of the Assembly, the creation of fraud, farce and rigging but simultaneously also appreciated the patron of these malpractices, Jagmohan (See *Frozen Turbulence in Kashmir* by Jagmohan 5th edition PP : 415 to 420).

According to the Constitutional theory, the then Governor, Jagmohan cannot be directly made responsible for this rigging but in practice it was he who patronised the whole show.

The after-effects of this rigging are clear for everyone to see. People came to the inevitable conclusion that either they have to live as cattle without self-respect and be content with some economic concessions or they have to preserve their self-esteem earned by huge sacrifices. They must then act. Accepting the first course they had to completely surrender their choice to the whims of New Delhi or as an alternative, they would have to fight and die with self-respect.

The minorities, the Hindus of the state, were subjected to the same political suffocation which the majority suffered. The democrats among them reacted in the same manner but the strain in their reaction has been blunted by extraneous circumstances. The disappointed majority needed patronage, help, assistance, support rather than interference from the other side of the border. Once they had pinned their hopes upon the leaders of the Indian National Congress for help to demolish the autocracy. Now they had no alternative but to look for similar help

from the second party of the dispute—Pakistan. In 1947 Kashmiris sought help from India to defend themselves against the Pathans' force geared for full annexation of Kashmir. The Hindus appreciated the move then as a progressive step. Now the majority community after forty years of appeasement was forced to look towards the other side. Some leaders of the Hindu minority dubbed this course of events as communal and fundamentalist. Instead of lending support to the struggle for democratic rights they openly defended the rampant irregularities and oppression. It is more than evident that leaders who defend these wrong policies of the Indian government do so because to them, India is a Hindu majority country and hence a Hindu India. There were sufficient warnings in action and word but no one cared. Right from 1947, the poets and writers with their hand on the pulse of the nation, had expressed the suffocated aspirations and expectations of the people but no one seemed to care to understand the underlying messages they conveyed. This is a separate topic and my book "*Suffocated Soul—Through Creativity*" probes in detail in the bulk of our literature and highlights this strain. As a specimen I must quote only one verse of the Poet of Kashmir, Mehjoor (1887-1951). Initially he was all praise for Sheikh Abdullah and appreciated his pro-democracy, pro-secularism and so pro-Indian role but soon sensing the expansionist intentions, warned the Sheikh about the arrival of the Indian army in Kashmir in these words:

> *'Thy nest situates on the delicate branch of roses.*
> *They shall demolish and burn it,*
> *Lo, thee will have to vacate thy garden and will*
> *have no alternative then.'*[18]

Sub-consciously, this author sensed sometime in the seventies that the forces twisting the hands of voluntary assimilation will have to face the wrath of the same hands:

> *Those very hands which thy force twisted,*
> *(As they tried to appease you)*
> *So attempted to reach the skirt of thy gown.*
> *Those—very hands, my love!*
> *Have reached thy collar now.*[19]

Beyond these delicate ideas expressed through the medium of symbols, similes and metaphors there were more vociferous and direct

warnings. But even these steps did not create any sensible response. The first ever and so far, the last international cricket match was to be played in Srinagar between India and the West Indies. The local youth, while expressing their resentment against the wrong policies of India, hooted and booed at the host team and expressly boosted the morale of the foreign team. They were not bothered about where that country was situated or, what their culture and national identity was. As usual this warning too was considered to be the interference of Pakistan through its agents. This repeated shifting of the burden of blame made Kashmir erupt violently just as their being dubbed as agents of Pakistan caused the Kashmiris much anger.

Things had come to such a pass that people prayed either for freedom from such an intolerable situation or complete destruction. Every Kashmiri would pray:

"*Yaa Yaari Nata Bambari*"

(Oh God, either have mercy upon us or destroy us). So started the process of destruction. Whether this is a process of reconstruction or destruction will become clear only after a review of the results.

Before the general elections of 1987, despite the many frauds committed on a wholesale basis, the electorate would mainly level charges of rigging against the state administration. India was blamed constructively. But this time Dr. Bhalla, Secretary of the Indian Election Commission, left no doubt in the minds of the people that the farce in the elections was perpetuated by none other than the important organs of Indian democracy.

In the later autumn of 1989 something extraordinary happened in the state of J&K. It was already an extraordinary political incident for Kashmiris to find one of their rejected politicians, who had failed to get himself elected to the State Assembly, appointed as the first Muslim Home Minister of India. The sudden and abrupt kidnapping of the daughter of the same Home Minister was really a catastrophic event which changed not only the course of events but the course of thinking of the people. The same people who could not tolerate even hearing about the molestation of a respectable family, generally appreciated the move. The act was against the tradition of Kashmir but despite that, it evinced public support. This was due to the deep-rooted hatred for the New Delhi establishment and their agents. So the era of militancy

or armed struggle began. Though from the very dawn of the Independence of the sub-continent and the landing of the Indian army in Kashmir, bomb blasts and dumping of arms had prompted action in hundreds of criminal cases which were instituted against many leaders and thousands of political workers in Kashmir. The Accar Bridge case[20] of Anantnag district, Allah Dita case[21], Gow Kadal bomb case[22], Rajwara bomb case[23], Charari Pora culvert bomb case[25], Al Fateh case[29], Kashmir conspiracy case, Shago case[26] are only a few to be mentioned. 433 years ago, the gun was snatched from the hands of the Kashmiri. By nature he was peace-loving but to defend his borders he had always shown valour and courage. Thus, the gun culture was a forced situation which, by and large, came to be accepted as the only alternative.

Hazratbal had traditionally provided a convenient and popular stage for many movements and organisations throughout Kashmiri history, so the emerging gun movement also, from its very inception, was eagerly waiting to occupy this stage. The first effective stage used by J.K.L.F., the harbinger of this new revolution, was the Bohri Kadal Chowk in the midst of the city of Srinagar where the exchange of Miss Rubaiya Sayeed, daughter of Mufti Mohammed Sayeed, for five arrested militants, invited thunderous public ovation. The 89th year of this century was just seeping away when a new chapter in Kashmiri history was being recorded by young boys who were tortured, beaten, persecuted and prosecuted because they had (as supporters of the Muslim United Front) taken part in an election campaign against the ruling National Conference candidates. Initially people (particularly the older generation and the bulk of the middle -aged) had both doubts and apprehensions against (what they called) the 'adventure of the immatures'. But the surrender of the Central and State governments on the issue added one more blunder to the plethora of blunders committed from the very beginning by the Indian government in its own cause. This surrender popularised the gun culture and the popular cult of the "Hajy"[27] group was created. But the indirect control of the government upon Hazratbal through the Muslim Auqaf Trust of which the C.M., Farooq Abdullah was life Chairman, prevented gun-wielders from occupying this stage. In spite of their increasing popularity, they did not immediately dare to seize the Hazratbal stage for their use.

The Indian government added one more blunder to its record by appointing Jagmohan for a second term as Governor of J&K. He had

acquired quite a bad name as the "butcher of democratic values" when he dismissed the government which the people had voted to power on a wave of sympathy for the deceased Sheikh. Though Jagmohan had gained a little goodwill by repairing and reconstruction of some roads, that was only an insignificant administrative appeasement.

The gun had converted the Farooq government into an ineffective watch-dog, yet this feeble link too was, to some extent, the only base for Indian interests in this state. Its writ was confined only to the corridors of the Secretariat, yet for many personal, social and other links its existence—though in name only—would have created some hurdles for militants to penetrate deep into the valley. Jagmohan , for the sake of cheap political popularity, and Mufti Mohammad Sayeed, to take revenge for his humiliating defeat at the hands of the unknown N.C.candidate in the Assembly elections, together conspired against the Indian interests and committed another blunder by the dismissal of the Farooq government and dissolution of the Assembly. Consequently, Farooq and his family lost interest in Auqaf and simultaneously felt scared of the consequences so the job of the new movement to take control of the stages provided by holy shrines, particularly holy Hazratbal, was facilitated.

Soon, Hazratbal became the main centre of communication between militants and the masses. The "ifs and buts" which occupied the "matured" mind were cleared by two developments—negative and positive. The increasing terror let loose blindly upon the masses caused general alienation from India and from its democratic claims. On the other hand the able orators in the light of Quranic interpretations convinced minds from this stage that "a war against Indian occupation was the only viable course" as India had gone back on its commitments. They declared such a war as *Jehad* - Holy War. "The killed shall live with His Creator till eternity and the survivor shall live as honourable *gaazi*.."

Hazratbal, Jama Masjid, Khanquahi Moula, Charar-i-Sharief shrine and all the other mosques provided the leaders and thinkers of this new movement with effective stages to educate the masses for the "remedy" they had devised for the "malaise" created by the Indian failures in Kashmir. The theoretical explanations given by them were being practically demonstrated by the completely irrational excesses committed everyday by the Indian armed forces.

On the other hand, the Indian mass media, including its national press, painted this movement exclusively as a communal and fundamentalist upsurge. This propaganda annoyed the common Kashmiri who has, for centuries, cherished the values of amity and has stood against communal politics. In this background, the stress and strain of Independence and the exercise of the right of self-determination waned whereas the content of speeches mainly pivoted on the theme of war between Islam and infidelity to it.

Jagmohan took charge as Governor in January 1990 and immediately the Gow Kadal[28] carnage, the massacre at Haiderpora, brutal killings at Habak[29] near Hazratbal, rape and murders at Mashali Mohalla and similar acts of repression were let loose in the rural districts of the valley. The general alienation of the masses grew with every passing day under the Governor's rule. Even the committed pro-Indian pockets were made hostile enemies by such an irrational use of force. India claimed that Pakistan had engaged it in a proxy war on J&K soil but its forces virtually engaged themselves in an actual war with all sections of the people. It is against this background that even the peace-loving older generation of Kashmiris, women and other believers of non-violence, offered their injured bosom as warm hide-outs for the gun- wielding boys. Jagmohan claimed that the number of militants was only three to five hundred, but the numbers swelled so fast that a bumper crop of outfits grew from the otherwise fertile land of Kashmir. Boys and men and even girls risking their lives, offered heavy remuneration to guides and covered dangerous snowbound mountain cliffs to get trained so as to achieve "martyrdom" in the cause. But the puzzled directionless administration instead of going into the genesis of the movement aggravated the situation by every action it took to combat the situation. In this frenzy, a campaign of vilification started against Hazratbal.

There can be no parallels between the situations in Punjab and J&K yet the Indian media annoyed the Muslim sentiment by drawing equations. People knew that, at best, some militants addressed them from the Hazratbal stage, and that too from a temporary dais raised in front of the shrine but had sufficient knowledge that neither was it used as an arms store nor as a hide-out.

Kashmir has to its credit the unparalleled distinction of having witnessed and experienced unabated restrictions by way of a permanent sort of ban imposed, from 1946, under section 144 Cr. P.C. Curfew, crack-downs and military cordons were common phenomena.

During the autocratic rule of the Dogras the imposition of a ban on public movement, processions and public addresses was imposed but after 1947, it had become a permanent feature. The official record, if perused minutely, will reveal that the ban under section 144 Cr. P.C. has never been lifted from the city of Srinagar and other towns. Kashmir rightly deserves an entry in the Guinness Book for this distinction. Imposition of curfew has become a part of Kashmiri culture to such an extent that a local poet, Chamman Lal Chamman, composed a poem in 1983 called "Curfew" which he recited from Srinagar Radio in early 1984 but which was relayed sometime during July 1984. By then G.M. Shah had taken over as C.M. and had clamped an unabated curfew to foster his rule. This earned him the nickname of "Gula Curfew". The contents of the poem by Chamman Lal Chamman were more romantic than political, but this did not deter the state government of Gula Shah from lodging a protest with Srinagar Radio for relaying the poem. From 1989, crack-downs, curfew and cordoning of vast areas at a single time has become the "inalienable destiny" of Kashmir. The Kashmiri lexicon has been enriched with a number of such new words and phrases.

Hazratbal was not left untouched by this new culture. In these crack-downs and cordons, the inmates who were old, sick, infirm and even cancer patients, like herds of cattle were made to sit on cowdung in the scorching heat or on ice layers during the chilly cold. People were subjected to humiliation and torture. Even the people ignorant of fundamental or human or natural rights were thus taught with all force and convincing argument, the meaning of the concept of *Azadi*. Farooq Nazli, Director, Doordarshan (Indian Television), Srinagar Station had apprehensions for his safety too. A poet of repute, (A Sahitya Akademi Award Winner) he sums up:

> Those ascetics, gnostics and saints, who, even in pleasant spring hardly come out of their meditation cells, are blindfolded, put naked on layers of ice in chill cold[30].

Maj. General (rtd.) Afsir Ḳarim, AVSM and the Indian Defence Review Team assessed the situation in "*Kashmir: Troubled Frontiers*" p: 106)

> The other areas of the abuse of human rights have been burning of houses in the valley with people in them and killing large numbers of people by indiscriminate and

> uncontrolled firing... Random abuses may take the form of rape and looting.

Giving reasons, the authors mention the following factors as causes of these abuses of human dignity:

* Kashmiris are considered aliens or enemies (a nuisance) by law-enforcing agencies;
* Methods of interrogation are unscientific and out-dated.

Finally the book sums up:

> "Suppression of the entire population by use of bullets cannot be used as a state policy and is bound to be counter-productive."

The movement after the Gow Kadal carnage of January 1990 unleashed by Jagmohan and master-minded by a tyrant local police officer (for his own vested interests) received mass support and within days it took the shape of a mass revolt. The processions of lakhs of people representing every shade of life and every part of the valley went to the head-quarters of U.N.O. military observers at Sonwar, Srinagar. The ex-Prime Minister Rajiv Gandhi and the then Deputy Prime Minister Devi Lal witnessed from Hotel Centaur, Dal Lake that every house-top, every street, every house-boat, every partition wall and every chinar tree had become stages for the expression of anti-India and pro-*Azadi* feelings. Hence this uncalled-for suppression proved counter-productive.

In the process, a call was given by the people themselves to go in a procession to Hazratbal. The "*Hazratbal Chalo*" call as it was named, evinced an immediate and total response. The whole of Kashmir thronged to this sacred spot of physical and metaphysical beauty. For the first time, however, this sacred stage was totally controlled by militant leaders. Even the leader of the Jamaat-i-Islami, Syed Mohammad Yousuf Shah, was initially denied the chance to address the congregation as he had till then not approved the viability of the gun. It was here that Shah took the decision to come out of the pulpit, which he, with his oratory, had occupied with grace for more than a decade and so decided to jump on to the battlefield. So it was at Hazratbal that Syed Yousuf Shah was christened Syed Salahud-din and he has since lead

the most vocal outfit called Hizbul Mujahideen with zest and vigour.

Here I will strictly confine myself to descriptions of crackdowns and cordons relating to Hazratbal only. Otherwise a history of crackdowns in Kashmir, if such a history is ever compiled requires a team of authors who would have to collect data from each *Tehsil*, appointing at least one co-author for each district. Such documentation shall undoubtedly overshadow the details of incarcerations at Nazi camps. Let us therefore revert with particular stress on Hazratbal.

The three wings of the regular and para-military forces stationed in Kashmir, the Army, C.R.P.F. and B.S.F., have right up from 1990 been in a race with each other to procure proof of the implicit involvement of Hazratbal in the militancy that grew so rapidly. In that race, to score points against one another they made several attempts to besiege this most revered shrine but every time they had to retreat within hours as their informers would give them hints that they would not be able to get a considerable catch which would convince even their own government, press and public about its complicity. They had thus been in search of an occasion when they could trap a good number of militants and seize a large quantity of ammunition.

On 21st of April 1993, the B.S.F. on some totally unfounded information moved to the most sacred precincts of the shrine where even devotees, without proper ablutions, cannot go. But in spite of this, they were dismayed and disappointed. They had to leave on the directions of their commander. As they retreated, they picked up Riyaz Ahmad, special grade constable of J&K Armed Police, who had returned from Jammu to thank his Lord and Prophet (PBUH) who had crowned him with success in a volley ball match played on behalf of the Armed Police. He was under treatment for an injury inflicted during the match. As he showed his identity card and proved his credentials, the retreating B.S.F. men in an unreasonable fury beat him mercilessly, took him to a nearby mobile interrogation centre fitted in a military vehicle where he was butchered and his dead body was thrown near the outer gate of the shrine complex.

Before I go into the details of the consequences of this cold-blooded murder in broad daylight at the most sacred place where blood - shedding is prohibited, let me, at first examine the powers and duties of the J&K police under the state laws and the present unfortunate state of affairs under which they too suffer as suspects.

The criminal law of India as well as of J&K envisage that para-military forces or defence personnel can, in an emergency, assist the local police if and when called upon by the state government for such help. It was due to the Emergency that the state administration sought such assistance but as soon as the B.S.F. and C.R.P.F. started joint action with the military—all three, at the very outset, eliminated the J&K police from the scene. Not only was it side-lined, it was also made the first target of oppression. They dubbed it as a lackey of the militants. This insinuation was not only incorrect but yet another example of shifting the blame. The militants, as claimed by the Government of India, had crossed the Line of Actual Control and had obtained training from across the border. Thus according to this proposition it was clear that the militants had at least twice crossed the L.A.C. which is guarded by the Border Security Force and whose overall control lies with the Indian defence forces. The local state police had nothing to do either positively or negatively in this regard. It was the state police which seized and confiscated smuggled ammunition. Much was done in this regard by forces manning police stations at Vilgam, Trehgam, Tangdar and Kupwara in Kupwara district and the police stations of Uri, Bijhawa Shutlo in Baramul district. As District and Sessions Judge of the border district of Kupwara at the relevant time, I had personal knowledge of these seizures which caused humiliation for the BSF and even to the Army. Such seizures provided strong presumptions that both the smuggling of arms and infiltration of trained personnel were the result of connivance by the BSF and the Army. On the other hand, the enthusiasm with which the state police, even after the dismissal of the Farooq government fought to curb militancy showed beyond doubt that they maintained their tradition of worshipping the rising sun. But the BSF, with the connivance of the military made the J&K police its first target. The Indian Governor entrusted the control of the state police, from top to bottom, to Indian officers, mainly Hindus. Almost all the police districts are headed by Superintendents of Police from outside J&K and all are Hindus. These officers, instead of relying upon their rank and file have doubted local police and thus have paralysed their own limbs as they take only BSF Inspectors, Sub-Inspectors and constables into confidence. In the process, the local police is side-lined, powerless and itself victimized. Its duty is reduced to receiving the dead bodies of innocent persons arrested by the BSF and killed in their joint interrogation centres. The concerned police station after receiving the dead bodies

informs the bereaved families to collect their dead for burial. It is thus that the J&K police has earned the nickname of "Double Eff" (Funeral Force). This contemptuous emasculation should have resulted in an appropriate reaction much earlier but due to their inherited timidity they had no alternative but to remain mutely indifferent to their self-respect.

However it was Hazratbal which raised them from their apathy. They were jolted out of their inaction by the cruel death of Riyaz Ahmad whose blood washed the road at the threshold of the holy shrine.

Police Mutiny

This cold-blooded murder amounted not only to a custodial death, a daily routine in this unfortunate part of the world since 1990, but more than that it was a red signal conveying a warning to the J&K police that they should realise the vulnerability of the situation or else they would be destined to meet a similar end. As usual, the government spokesman, government-owned mass media and the Indian press depicted Riyaz Ahmad, special grade constable of the J&K Armed Police as a "militant" who was gunned down 'in action'. The news of this custodial death had already caused a severe disturbance in the subdued and suppressed conscience of the rank and file of the J&K police. The mischievous statement of the government spokesman and the fabricated and twisted news about the manner of his death added fuel to the fire. The anger took the shape of a revolt as the news from eyewitnesses traversed throughout the country that the BSF Jawans had committed a sacrilege of the sacred shrine. Mass resentment was the immediate consequence. Hence a call for a total *Bandh* was given for Sunday, the 25th of April, 1993. Besides observing it as a protest day, people decided to go to Hazratbal in procession so as to have an on-the-spot view of the situation. A memorandum was sent with signatures of lakhs of Kashmiris, prepared with spontaneous zeal, to the UNO through its head-quarters at Srinagar.

For the first time in the history of the J&K police, which had a black past of an unscrupulous partisan role, violently reacted against the gruesome murder of their colleague. All the police constables and even officers wore black badges, hoisted black flags on the police stations, on the Police Control Room in the city, police lines in the districts and on police vehicles.

On 24th April, the last rites of the slain constable were performed with emotional outbursts, sentimental outpourings and fiery speeches in the Police Control Room. For the first time in its history the police took its resentment to the streets, organised processions, raised slogans, levelled accusations against the criminal role played by the S.S.P. City, in ordering or conniving at the murder of constable Riyaz. Speeches condemning the atrocities of the B.S.F and C.R.P.F. contained gruesome and factual details which elicited mass support for the police reaction. The speakers provided statistical data to foster their claims of Indian atrocities. It was made evident that the local police administration had been confined to the non-gazetted cadre whereas all the superintendents and senior SPs of the police districts were manned by officers from outside the state. Even local officers from the Kashmiri Pandit community had been side-lined by assigning them to the additional jobs like traffic control, etc. in Jammu province. Under the State Criminal Procedure Code and other criminal laws, all the executive orders of issuance of detention warrants, orders regarding searches or of a prohibitory nature must be issued by the concerned District Magistrate and the district police is the agency to implement such orders. But without making any amendments in procedural or substantial laws, the District Magistrates who, at the time of imposition of Governor's rule in January 1990, belonged to the administrative service cadre, were subordinated to the BSF, CRPF and military authority. Warrants of detention were prepared against hundreds of people, which were typed and copied in the BSF units. As signing machines, the District Magistrates were asked to sign but before signing such documents of far-reaching consequences the D.M. concerned is supposed to apply his mind to the facts of each case, which is a mandatory condition of law. They were not provided even access to the records nor was any record maintained. The arrests were first made, then interrogations conducted for several weeks and then if any *habeas corpus* writ was moved in the High Court, post-dated warrants were prepared and competent authorities such as District Magistrates were asked to affix signatures upon such warrants. Sometimes the fraud was so apparent that the High Court could not restrain itself but had to pass strictures against such District Magistrates. The aggressive ego of the BSF got injured and its prisoner government replaced almost all such District Magistrates. Both the D.M. and S.P. hated the local police whatever his rank might be. Remand was not sought from the magistrate for detention beyond 24 hours in the case of undertrials. Thus was our fate since 1947. Even I have remained in police lock-

up (as a young lawyer) for months but was never produced before any magistrate.

The police agitation exposed the Indian government badly. In spite of the fact that six lakhs of its troops and para-troops were on the soil of Kashmir, they were scared and frightened by the mutiny of a small number of poorly armed constabulary. The government was forced to call the army and commandos to force entry into their own Police Control Room where barely a few hundred police personnel from other districts, who had came in processions to Srinagar wearing arms and raising slogans, had assembled. In this situation the government which since October 1989 existed only in Raj Bhavan (the Governor's House) had now squeezed within the cantonment area. Actual government had long since died in J&K but the paper government too had also succumbed to isolation. In many police stations B.S.F. and C.R.P.F. personnel mercilessly beat the jawans of the Kashmir police. The police training institutes at Manigam and Zewan in the tehsils of Ganderbal and Srinagar, respectively, were closed and trainees of both the institutes were carried in police trucks and confined in the Police Control Room of Srinagar. On the morning of 28th April, an army operation on the J&K police lines was started under the command of Brigadier K.B. Pandia which lasted for eighteen hours and during the nights of 28th and 29th April, the forces were able to break the will of the besieged police constabulary consisting of a few thousand men. The residents of nearby areas had the experience of witnessing a full-fledged war.

This operation was conducted jointly by the Sikh and Garhwal Regiments of the Indian Army. Brigadier Pandia rescued after 18 hours from an adjoining building, the highest police officers of the state cadre i.e. D.G.P. Mr. Bedi IPS, Additional DGP Mr. Nomani, Additional Chief Secretary to the Government Home Department Mr. Mehmoodur Rehman, IGP Mr. Sabharwal, Dir. S. S. Ali, I.G. Suri and others at 5.15 a.m. of 29.4.93. All these officers in spite of their might and position had fallen to the status of P.O.W.S. in the camp of agitating and hostile J&K policemen.

The Indian forces believed that the ranks of agitating police constables and officers were joined by the Pak trained militants and more than once they declared that the Police Control Room of the J&K police had become the den of activity for foreign-trained personnel. It was to substantiate such insinuations that they, after completing the operation, ordered the police constabulary to surrender arms, raise their hands

and stand facing towards the wall. Keeping them in that position for a hundred minutes, they were asked to march past so as to detect infiltrated men. An identification parade was then conducted and it was ascertained beyond any doubt that all the men were on the pay roll of the J&K police department.

It needs to be mentioned that on 25 April 1993, the SSP Mr. K. Rajendaran was transferred but this did not satisfy the agitating police force because they demanded his arrest and trial for abetment in the murder of Riyaz Ahmad.

Had the Government of India and its local officers in J&K acted promptly after the assassination of Riyaz Ahmad and ordered an impartial probe, the police force would not have broken its discipline. It is they who forced the men to cross the demarcation line within which the state police had always confined itself by its deep-rooted tradition of obedience—even in the face of illegal and immoral orders. Now, with a police which harbours a deep-rooted hatred against India, can the Indian government think that any political process will be successful? Every ruler in Kashmir from 1947 has ruled only with the rod of the J&K police. This tool cannot now be safe for Indian rulers and no other tool can impose their "rootless politicians".

On the second of May 1993, more than two lakhs of devotees assembled at Hazratbal to wash and clean its whole surroundings polluted by the presence and intrusion of the BSF nine days earlier.

NOTES

1. It was called 'OP Gibralter' across the ceasefire line. Maj. General (RTD) Afsir Karim in "Kashmir: The Troubled Frontiers" writes:

   > "OP Gibralter was set up in May 1965 in Marree under Maj. General Akhtar Hussain Malik..... with 30,000 men under his command divided into eight to ten groups named after a famous general of Islamic history... commanders were addressed by F.M. Ayub Khan during the second week of July.."

2. Qudratullah Shihab: ICS; from J&K, rose to the position of Advisor to F.M. when Ayub Khan was President of Pakistan. Recently published his autobiography.
3. Excerpt quoted from the speech of Z.A. Bhutto which he delivered when he launched his Pakistan People Party.
4. Kashmir conspiracy : D.W. Mehra, I.G.P. of the Bakshi regime lodged a complaint u/s 120-B Ranbir Penal Code against Mirza Mohd Afzal Beg. and others. Shiekh Abdullah was added as an accused some months later in 1958.

5. Teen Murti Bhavan: Official residence of Prime Minister Nehru.

6. Official residence of G.M. Sadiq, Chief Minister.

7. Ancestral house of G.M. Kara and G.M. Sadiq.

8. Birthplace of S.M. Abdullah where he lived during the later fifties too.

9. Maulvi Masoodi lived here till his assassination in 1993.

10. Ancestral house of Mirza Afzal Beg.

11. Moi-Muqqadas was recovered on 4th February 1964. On 6th February Nehru had a paralysis attack at Bhubhaneswar, Orissa. See Atish-i-Chinar, biography of Sheikh Abdullah.

12. 'Kashmir Ke Shabo Roz' by Piary Hak Kaul, pp. 119-120

13. After the re-arrest of the Shiekh in 1958 on the one side, people by and large were busy in the race for concessions and benefits and on the other, the indecision of policy-makers in Pakistan had left an impression that they too had rationalised with the status ..... . The activities of pro-plebiscite and pro-Pakistan organisations had come to a standstill. It caused reactions in the minds of the youth. The J&K Youth and Students League was established. Its founders and organisers included Advocate Syed Ilyas, Prof. Shiekh, En. Anwar Ashai, A.R. Kabli (ex-M.P.) and many others. On enquiries from them it is made out that:

    a) This orgarisation stood for armed revolt;

    b) The Plebiscite Front, Political Conference, Jamati Islamic, the defunct Muslim Conference and its Awami Action all showed signs of frustration and lack of interest in 'arms'. Even Maulana Masoodi the moulder of the Moi-Muqqadas agitation was consulted but he too did not approve;

    c) A youth delegation went to Pakistan to impart training and supply of arms but were disappointed;

    d) The youth started their hobnobbing with the Chinese Embassy and some influential students from China studying in Karachi.

    e) The Pakistan government and policy-makers felt the gravity of the situation and worried about complications in the case of a third power intervention in Kashmir. So, they approved the suggestion and hence 'OP Gibralter' was initiated.

    However it provides some lessons to the policy-makers of India and 'undecided' Pakistan that frustrated youth here may 'sometimes' get the problem out of the ambit of the sub-continental and 'Kashmir' may become, in that case an 'oozing sore' for the sub-continent. The poet of Kashmir, Mehjoor, prophesied in 1949:

    'Kashmir shall at last but at an appropriate time make the east rise from its slumber.'

14. Official residence of Mrs Indira Gandhi as PM of India.

15. Central Office of All India Congress Committee I.

16. G. Parthasarthy represented the Govt. of India in the deliberations with Shiekh Mohammad Abdullah who was represented by the founder-President of the J&K Plebiscite Front, Afzal Beg.

17. On 10th, 11th and 12th of May 1995 Charar-i-Sharief town, the Sacred City of emotions, was burnt along with the shrine of patron-saint Shiekh Noor-ud-din Wali and the historical wooden Khanquah. This author has blended history with present day political, Kashmiri cultural traditions and mystic strains of literature in a well-knit discussion in another book 'Bliss N. Blaze' which is ready for press.

18. Kuliyat-i-Mehjoor: Compilation of poetry of Peerzada Ghulam Ahmad Mehjoor. Pub: by J&K Academy of Art, Culture & Languages.

19. 'Ghazal' : Lyric compilation of G.N. Gauhar. Shahwar Publications, Srinagar Ist Ed. 1988.

20. Accar: A village on Anantnag-Pahalgam road was a famous fishing spot of Maharaja Harisingh. Here the local bridge and the Maharaja's rest house were burnt in 1949. A case under the Enemy Agents Ordinance was lodged against genuine freedom fighters. The main accused was Shiekh Abdul Majeed of Islamabad.

21. The cadre and leaders of the Muslim Conference were in 1948 either exiled to Pakistan or forced to migrate or arrested and detained. The left over cadre was involved in the Allah Dita case under the Enemy Agents Ordinance. Some accused were punished, some pushed into Azad Kashmir.

22. A bomb burst in 1956 near Gow Kadal mosque at Srinagar. Innocent people, were involved though there is evidence to show that such incidents were the Government's (Bakshi's) mischief so that Masoodi's parleys with Nehru for the release of the Shiekh were jeopardised.

23. A dynasty of Zamindars in Rajwara-Zachaldara of Teh: Hundwara in North Kashmir. The whole family was wrecked, looted and involved in false cases. The family was famous for its hospitality and for patronage of men of letters.

24. On 23 July 1957, this author just a few days after his return from Muslim University, Aligarh-where he completed his studies, was arrested. He remained alongwith another traditional poet Ab. Khaliq Magarcy of Pokhar Pora in a specially established interrogation centre at Charari Pora. A minor blast had taken place near a culvert on Pakharpora - Kakapora road for which an FIR was registered against us. It was again the series of blasts for which aware people blamed Bakshi and attributed it to his vested interest in uncertainty in Kashmir. This author, a newly registered lawyer, was not produced before the magistrate for months together. I perused the case diaries later as defence lawyer of the Kashmir conspiracy case and found to my astonishment, that the seniormost magistrate T.N. Matoo had remanded me several times to police custody. He had recorded my attendance when I was never brought to his Court of the A.D.M. Srinagar or his residence in Srinagar.

25. "Al Fateh case" provided yet one more glaring example of fabrication and use of third-rate methods made local youth It arrive at only one conclusion that India will never allow Kashmiris to live as honourable citizens of the country. The local (Muslim) police officers invented uncalled-for brutalities.

26. Triloki Nath Matoo, as special Judge convicted and punished in 1958 advocates of repute like Hameed Kaṛa and M. A. Nehvi, doctors like Shiekh Abdul Majeed, politicians of the status of Peerzada Ali Shah and Ab. Aziz Shago.

27. "HAJY" "H" for Hameed Shiekh; A: for Ashfaq Majeed; J: for Javid Mir; Y: for Yasin Malik.

    The four boys who can be deemed harbingers of organised armed revolt. The first two are already killed, the last two are active leaders of A.P.H.C. now.

28. A peaceful procession was subjected to uncalled -for cruel terror let loose a few days after Jagmohan took over as Governor for a 2nd term at Gow Kadal, Srinagar on 22.1.90. The hero of this carnage, the SSP, Srinagar Allah Bakshi was re-employed after retirement as Members, J&K Public Service Commission. People are of the view that the man was not qualified for the job but the 'Indian Government' has compensated him-which exposes its designs.

29. Haidarpora on Airport road, Habak on Ganerbal Road, Mashali Mohalla - downtown, are all within the greater city of Srinagar and saw the worst carnage.

30. 'Naar Heoton Kanzal Wanas'-poetic compilation of Farooq Nazli which has been awarded the Sahitya Academy (New Delhi) Award 1995.

CHAPTER V

THE SIEGE OF HAZRATBAL

> "On the night of Friday, October 15, 1993, the Border Security Force (BSF) personnel surrounded the white marble Hazratbal Mosque on the edge of Srinagar's sprawling Dal Lake. It was the operation which had been planned to give the government and the Congress a much needed image boost on the eve of the elections in four crucial states. It envisaged capturing "of top Kashmiri separatists and saving the holy relic, believed to be the hair of the Prophet, Mohammad".

These are the opening lines of the cover story of one of India's leading political magazines, *Frontline*."Intelligence reports from Pakistan had suggested a conspiracy by militants backed by the Pakistani Inter-Services Intelligence to remove the relic from the mosque and blame the Indian government for it—" (November 6th, 1993).

Another leading magazine, *India Today*, under the headline "Operation Blunder" (November 15th, 1993) summed up the background of the siege:

> "Nothing illustrated the operation better than the Hazratbal siege and the day by day handling of the crisis. At 6.30 p.m. on October 15, Kashmir IGP, A.K. Suri was informed by a member of the Muslim Auqaf Trust, G.M. Chisti that the militants inside the shrine had tampered with the locks leading to the strong room in which the holy relic is kept. Suri called up Lt. Gen. M.A. Zaki (Rtd.), security advisor to the Governor who immediately ordered two BSF companies to surround the mosque and block all the exits and entry...."

Press notes were issued by various *Mujahideen* (militant) organisations levelling grave charges on the Indian government for removing the

holy relic from Hazratbal to avoid the sentimental appeal of *Jehad* among Muslims of the region. The following translated version from the *Daily Srinagar Times* dated 20.10.93 reproducing the Press Note of Hizbulla Chief Hassannul Bana, may suffice to put forth their view-point :

> "... very recently under a pre-planned conspiracy, the armed forces under the pretext of searches, gutted a building of the shrine complex. They had planned to burn the whole shrine but failed. It is categorically denied that any mosque or shrine has ever been used as a hide-out by militants nor have the militants entered into Hazratbal with any ulterior motive except for the sole purpose of saving the Moi-Muqqadas from the mischief which the Indian forces were planning to commit with it so as to malign the on-going struggle of Kashmir..."

In the lines quoted from the "*Frontline*" (supra) it is evident that the siege of Hazratbal had deeper connections with what was called 'Mini Elections'. A reasonable inference can be drawn that New Delhi, to boost its election fortunes, planned this siege. Hence the views expressed by this journal particularly connect the siege only with the designs of the ruling Congress party. The journal specifically comments that the operation was planned to give the governement a much needed boost.

It is highly required that to arrive at any conclusion of far-reaching consequences the whole background and its results be examined in detail.

The BSF had decided six months before the siege to carry out a full raid on Hazratbal. On 21st April 1993, a few battalions surrounded it and even trespassed into the shrine complex, its sacred precincts being maliciously encroached. Those premises are forbidden for non-Muslims and even for such Muslims who do not comply strictly with the rituals of ablution. One has to cover this distance bare-footed. But all these restrictions were defied. This act was considered as an act of sacrilege by the masses. However, good sense prevailed that time and the para-troopers preferred a retreat which proved wiser in all respects. The fact-finding panel of MAT (of which this author was a member as a trustee) was informed that the retreat ordered by the higher authorities at this time caused annoyance in the rank and file of the BSF. So they

were alert and watchful, keen as they were to snatch the opportunity to take Hazratbal into their control. Reports were manipulated to malign this august complex as a hide-out of militants and as a godown of illegal and illicit arms. To achieve this end they had to force a situation whereby various groups of militants would take refuge in the shrine or in its adjoining buildings. Similar reports were widely circulated about the university campus and the engineering college—the two institutions situated in the close vicinity of the shrine complex.

It is true that in this area, like in many other areas in Kashmir, concentrations of militants were widely known. In and around the Dal, Nagin and Anchar Lakes there are many such safe places, caves, ruins, small narrow valleys and smaller islands which have proved a haven for militants as safer hide-outs. There was no need to use a public, accessible place open to all schools of thought such as Hazratbal.

Similar reports about Dhobi Mohalla situated on the southern side of the shrine were also spread.This does not mean that Hazratbal was not visited by the militants. But it was mischievous to dub the shrine either as a hide-out or as an arms reservoir. Militants living in nearby hide-outs would come to the shrine like other pilgrims, the devoted among them would spend the night of meditation during the nights intervening between Thursdays and Fridays and every outfit organization, has a base unit for Hazratbal area. Usually on every Friday ,.congregation speakers from militant organizations would deliver sermons and speeches from the pulpit of this centre-stage of Kashmir politics as has been the continued tradition from 1931. It is from this stage that Shiekh Mohammad Abdullah pleaded the cause of Muslims as the leader of the Muslim Conference. It is from Hazratbal that the Shiekh would, after reciting from the Quran in his melodious voice, speak against Pakistan and in favour of India. It is from this stage that the Shiekh made the people conscious of the right of self-determination and vehemently demanded the holding of a plebiscite in J&K in his historic speeches immediately before 1953 and after his release in 1958 and again in 1963. Now the militants repeat the words that the late Shiekh left as his legacy for the people of J&K.

All along, it was known to the authorities that the shrine was neither a hide-out nor an arms godown for militants. They were keenly aware of its importance as a political and ideological platform for militant organisations. The terror of crack-downs was let loose from the first day of October, 1993 in the areas surrounding Hazratbal with the sole

aim of flushing out the militants operating from their hide-outs around the Hazratbal locality. But where could they flee? The authorities (the B.S.F. and the army) had sealed all such exit points which paper maps had identified. Thus the forces expected that the armed men would have no way out except to seek asylum in the holy shrine of Hazratbal. The authorities did estimate that "more than thousand militants may, thus, have assembled in this shrine alongwith the ammunition they always carry with them. The people, on the other hand, at the risk of their lives and property carried the sandwiched militants out of the area through such exit points which are hardly known to the forces or even to non-local civilians. This jeopardized their labour and schemes.

But the authorities knew about the presence of militants in the areas close to Hazratbal and that is a fact. In the whole of the state, in cities and towns, they were present. A plan was devised to close all the adjoining areas, put them under pressure to run and leave no opening for them to escape. It was, therefore, logically deduced and believed that they would from all directions come out and take refuge within the shrine with their arms. Hence pressure was built from the first day of October 1993 around the areas surrounding Hazratbal. Firstly, the Regional Engineering College and its hostel was brought under the scheme of this terror. Simultaneously, another wing of the para-military forces cordoned off the University Campus and its hostels including residential houses of professors and other staff members. Close to the shrine is the Dhobi Mohalla of Hazratbal, so each house, shop, shed or garage of this locality came under strict searches—and its exit points were sealed. In front of the shrine, in the sprawling Dal Lake, the boats and house-boats were searched by the troops in motor launches and the owners harassed. But, there was no catch. Where had they gone?

The timing was chosen to suit the election prospects of the ruling party in Delhi for which it was, at that time, a question of life and death. The reporter of *Frontline*, summed it up as "a plan to give a boost to the government and Congress-I". Who devised the plan? Could it been the Director-General of the BSF? Not likely, since he had no direct understanding of such political niceties. Could it have been the Governor of J&K, General Krishna Rao? Again the answer is no. From his functioning in J&K it is evident that he has no political understanding. It is, therefore, logical and reasonable that the plan was, at least, approved by the strategists of Congress-I at 24, Akbar

Road. It is, thus, evident that the plan had the prior approval of both the South and North Blocks of the Central Secretariat and of the then Prime Minister and head of the Congress organisation, Narasimha Rao.

Hence, after mounting sufficient pressure around the adjoining areas, at least a thousand men along with their rifles, marched towards the shrine.

In their assessment the militants had taken refuge in the main shrine as all the exit points were closed. The authorities failed to realise that women, youth and children had helped the militants to escape through secret passages, ways and routes. The army was not even aware of such passages and routes. The officers in charge who conducted the cordons etc. might have informed the decision -making apex body about a huge catchment. This big expected catch would pave the way to take control of Hazratbal and blame the militants for using it as a hide-out, thus killing two birds with one stone. Finally, such a big haul would establish the fundamentalist, communal and sectarian strains of the purely political movement. These dividends were sufficient to boost the election prospects of the ruling party. So, the demand was conceded during the night of 15th and 16th of October 1993—after two weeks of permanent cordoning of vast areas surrounding Hazratbal. The most sacred shrine of Mussalmans was brought under siege by the BSF. As usual, radio and TV aired news accusing militants of this sacrilege. The news would have confused the public opinion had not it come from the Indian mass media as right from 1947 their reliability has always remained doubtful. The older generation, women and dedicated youth could have got mentally disturbed but the fire caused by the BSF to the adjoining building made the situation intelligible. Three thousand evacuated people of Dhobi Mohalla were treated mercilessly, causing great hardship to the women, children and the sick. They were not allowed to take with them even necessary commodities and like condemned prisoners were carried to the hostel of the adjacent Regional Engineering College. Only a week earlier, under-graduate engineers staying in those hostels were, under a similar crack-down, removed from their rooms and forced to discontinue their studies. As soon as the inhabitants of Dhobi Mohalla entered the vacated rooms of the students they understood the game behind the earlier evacuation of the college and could safely infer that their displacement from their homes was on the anvil much earlier than the siege of Hazratbal. After being lodged in

these hostels they were not allowed to go to their kith and kin nor were their relations allowed to see them. They were virtually under detention and under strict guard.

Though the curfew imposed on the city from the morning of 16th, October 1993 could hardly allow people to move out, some women were able to escape from this hostel to the adjoining curfew-bound localities like Saida Kadal, Buchpora, Soura, and Nagin, etc. and narrated what they had witnessed.

News of the siege spread like wildfire in a dense forest and in every nook and corner of the city of Srinagar the immediate reaction was a general strike, closure of shops, business establishments, educational institutions, banks etc. Every road, each open space, every mosque compound and shrine roof became the stage for demonstrations. Kashmir youth condemned the Central and State governments for their evil designs to snatch from the Muslims their sacred institution while the older generation, confused by the situation of "ifs" and "buts", also accused the government for their inability to protect the shrine. Men and women from all the age-groups, irrespective of their sex and age came on to the streets. They were the embodiment of protest in their determination to die. On the following Saturday, the regular army replaced the BSF and Brigadier Kanwal Singh commanded the siege. It demonstrated sufficiently the race for scoring points in the massacre of human rights between the para-military troops and the regular army — the latter under the Indian Defence Ministry and the former under its Home Ministry. These squabbles are apparent in every crack - down conducted by them and through their other acts. Instead of coordination there are manifest contradictions. Damage was caused by fire to the adjacent building with several aims. Firstly, the reluctant inhabitants of Dhobi Mohalla were thereby forced to vacate their homes lest they be turned into a heap of ashes. Secondly, the objective was to convey through the flames to the whole of Kashmir that the militant was bent upon causing the destruction of the Holy Dargah. Thirdly, it acted as a warning to warn the inmates of the shrine to surrender lest they be consumed by the flames too.

Brigadier Kanwal took a selected press party around the shrine. and stated that eight columns of the army were deployed. The general strike which was observed from the 15th in the city of Srinagar and six towns extended to other towns and villages in the valley and to the main towns of Doda district. People organised protest processions

throughout the city and main towns of the valley. The use of force on the exit point of every lane, by-lane and street by the army, BSF and CRPF contingents deterred local processions from turning into large-scale demonstrations. Yet heads were injured, arms fractured, noses disfigured, legs bruised in clashes with the armed forces. By mid-day, the army had assumed a sufficiently overawing posture by additional deployments around the Dargah amounting to more than ten thousand officers and *jawans*. This position made the besieged inmates of the shrine adopt a similar aggressive strategy which the people dismissed only as a threat to browbeat their adversary. They are reported to have displayed dynamite sticks and other explosives to convey threats that in case the siege was not lifted they might blow up the shrine. It should not be considered that all people did not react against the inmates. Old men and women considered the threat of militants as the worst sacrilege as they dubbed the siege of the forces. The Army Chief of India, General B.C. Joshi , also personally supervised the siege. Ruling out the use of force he declared that: "Forces will 'tire' the occupants of the shrine, compelling them to surrender."

By the fourth day, the confusion among some sections of the people had completely vanished. Initially, the repeated announcements made through the electronic media about the siege by militants had genuinely dismayed members of the older generation. But within three days, the mist had disappeared and even the man of average intellect was able to read between the lines and understand for himself. Furthermore, the speakers from the pulpits of mosques in the interiors of cities and towns, and statements issued by various organisations from their hide-outs only put out a different case for the masses. The intelligent people did not even believe such statements without scrutiny and evolved their own opinions. However they had unanimously ignored the government accusations charging the militants of attempting to steal the Moi-Muqqadas. Umbrella organisations consisting of more than thirty parties (with the common programme of attaining the goal of self-determination) found the situation volatile enough to provide the lead. The All Party Hurriat Conference organised protest marches but the processionists were beaten, bruised, kicked and humiliated. Several of their workers were arrested and detained. Syed Ali Shah Geelani, the leader of Jamaat-i-Islami opined that the Prophet's mosque at Medina was used for combat purposes and Mohammad (PBUH) would himself chalk out a military strategy from that mosque. Yet, the threat to blow up the dome of the shrine was subjected to criticism and the common people did

not appreciate the interpretation of Geelani as in their view, drawing up parallels was not in the true Islamic spirit.

On the next day the ding-dong battles between the people trying to force the demonstrations and the curfew-imposing forces provided much material to the media men who had just come into Kashmir. They were confined in the rooms of Ahdoos Hotel. A few of them managed to witness some incidents. In these battles, leaders of the Hurriat Conference, including its Chairman, young Umar Farooq, Lone, Prof. A.G. Bhat and G.N. Sumji of the Muslim Conference were beaten and injured. Lone was arrested and was sent to AIIMS, New Delhi and then he was lodged in Tihar Jail, New Delhi.

Contacts were initiated through the Divisional Commissioner of Srinagar, Wajahat Habibulla, with the Muslim Auqaf Trust but the neither could the Trustees be contacted nor could they dare to dabble in finding solutions for more than one reason. It was significant that the very Trust, its Trustees and employees were suspect in the eye of the public as "they were installed, created and hoisted" by Dr. Farooq or his father. I was recently inducted as a Trustee and was still pondering upon whether my nomination had legal and moral sanctions behind it when the siege made me participate. Immediately thereafter I disassociated myself as the Trustees and Vice-Chairman had no *locus standi* to nominate me or any other Trustee. The stalemate continues and people regard this as a perpetuation of misappropriation.

The Vice-Chairman summoned G.M. Chisti who was posted as Collector at Hazratbal (wrongly qualified as a Trustee by IGP Suri in his press briefing). He swore an affidavit that he had not seen or personally detected any tampering of the strong-room lock, nor was it within his duty to leave the collection counter outside the gate and enter the inner premises. (Suri also said that it was not Chisti who had told him of the tampering but it was the in-charge of the police guard, Shah, who had made such a report). Chisti maintained that the said head guard had given the information to him. Still, a calculated and misleading statement was attributed to Chisti and circulated to the media. It is pertinent to add that Chisti was an employee of the M.A.T.

It is relevant to describe the location where the Moi-Muqqadas is kept and how it is maintained, guarded and taken for display. The relic was misplaced in 1963, causing an unprecedented agitation in Kashmir. After that, the old shrine was demolished and the present

one constructed. Since its recovery, a permanent police contingent remains posted inside which performs a round-the-clock vigil. Also, since it was a "recovered item" and thus under procedural law, a speaking piece of evidence, it was under the seal of the court. It is under that arrangement that the relic is kept in a strong-room in an iron safe with double locks. Both the locks are locked by the authorities of the Trust in the presence of the police and the keys are kept in another locker at the Trust office at Pather Masjid - six kilometres away from Hazratbal. The room where the relic is kept in a steel locker is hardly 6'x6' in width and breadth. The room had two doors but one was closed in 1984. This author has also as magistrate, supervised the unlocking and locking of the locker in 1964.

It was explained by the Trustees in an informal meeting with the Divisional Commissioner, Wajahat Habibullah, in the presence of the Inspector- General of Police, Suri, at the residence of one of the Trustees next day. The Commissioner, after hearing the statements of Chisti and Suri felt convinced that the action of the siege was a miscalculated and wrong act, so was keen to resolve the crisis and sought the good offices of the Trust to persuade the holed- up militants to surrender to the terms of the army. He conceded that they were besieged and had not been hiding there as alleged by the government. He was also certain that the number of all the besieged civilians and militants would not exceed three dozen. Both Habibullah and Suri did not dispute that due to the pressure of cordons around that area they might have, to save their skin, sought refuge there but insisted that the "threatening to blow up the shrine conveyed their mischievous designs." In the discussions it was appreciated that the allegation of tampering of locks was immaterial and could be the result of some confusion.

The Trustees available in the curfew-bound situation numbered four in total, including this author and the Vice-Chairman. They unanimously decided to inform the Divisional Commissioner that the Trust had no political character and could not act as mediator. However, it was willing to ensure that the sanctity of the shrine would be maintained and preserved if the siege was lifted and the shrine handed over to the Trust. Again, on 19th of October, the marchers were ruthlessly beaten at various points at Lal Chowk, Budshah Chowk, Dalgate, Fatehkadal Chowk, Zainakadal Chowk, Batamalo, etc.

The people of Srinagar, Doda, Bederwah, Kishtawar, Baramula, Uri, Sopore, Handwara, Patan, Budgam, Beerwah, Pulwama, Shopian,

Kulgam, Tral, Islamabad, Owantipora, Bijbehara and other smaller towns were virtually confined to their homes for the fifth day. People had exhausted the daily items of necessity, cancelled marriages and other functions and had even been deterred from carrying the dead to graveyards. In this connection two incidents took place in the same locality of downtown Srinagar on the same day. As the custom goes, during a marriage ceremony, "*Hina*" is applied on a bride during the night on the occasion of *Manzi Raath*[1] and in the morning she is dressed in bridal garments and ornaments. In Srinagar, on the 17th of October, a young bride went through the same ritual. On the 18th, at lunch, the groom had to come to take the bride. She was made to adorn the formal dais - "*Masnad*". But the groom could not move from nearby Batamalo colony, so neither did he come nor was lunch served. The hosts, their neighbours and a few relatives who had gathered, deferred the function to dinner. The young girl had to wait in this situation for 36 hours as it was considered most inauspicious to remove the girl from a decorated dais and so she was put to intolerable inconvenience. In the adjoining area, a dead body could not be taken for burial and the corpse remained amidst the mourners for more than forty hours.

In a press briefing of the government, two UNO observers made their presence conspicuously debatable. To some people it belied the Indian stand that Kashmir was its internal dispute. Further it boosted the morale of people, providing them sufficient indication that the world was not deaf to their moaning.

The Auqaf Trust felt itself duty-bound to take care of those who were holed up in the shrine as they were pilgrims according to the definition and purport of the term. So, they decided to file a writ petition in the High Court of the state. In view of the fast dropping temperature, the besieged men required heating arrangements, bedding and warm clothing. They had nothing to eat and no water to drink. Hence it was the duty of the Auqaf to ensure their survival. On 19th October, the mercury abruptly slipped lower, causing intolerable cold, particularly at night. It was felt that the inmates urgently required warm clothes, bedding as well as *Kangris*. It was equally embarrassing for the management that no urinals, latrines or bathrooms were available inside, which meant that a situation of continued sacrilege of the sacred shrine was imposed, quite apart from causing hygienic problems for the inmates. It was felt that by its charter the Trust was bound to seek remedies for all of these

problems. By virtue of the circumstances in which the inmates (armed or unarmed) were caught inside, they could only be treated as pilgrims, not trespassers. From the available circumstantial evidence and the chain of events, the Trust had come to the only possible deduction: that the inmates' confinement within the shrine was imposed by the constraints of the situation. Hence, it had no alternative but to move the court of law. The civil administration was subservient to the army which was revengefully adamant to see the besieged men dead. General Joshi, Chief of the Army Staff, had declared that their game was to "tire them". They admitted the presence of civilians, many of whom were sick and infirm. A rapport was established with its legal advisor Zaffar Shah, an advocate who said that the J&K High Court Bar Association should also join as co-petitioner as it owed responsibility as the custodian of civil liberties. The suggestion was welcomed, therefore a joint writ petition was filed before the J&K High Court on 20 October 1993. It was the first and the last deviation of the Bar Association from its declared stand to boycott the court of the Honorable Chief Justice. As the Association had concluded after full deliberations that the appointment and posting of a non-resident of J&K as the Chief Justice of J&K High Court is against the spirit of the state Constitution it had adopted a resolution not to appear before such a Chief Justice. It was the first case in which Justice Mathur heard the lawyers from Kashmir raptly.

The first Thursday after the siege was a day of hope and despair for that restricted group of zealous and fond devotees of this shrine who, though less in number and scattered in various regions, are spiritually attached to it. They are free from other considerations,their focus being on the union with the symbols, memorials, places and relics connected with their beloved. They are rare but command widespread respect among the masses. They disconnect themselves from associations with people and concentrate their senses on their love but the masses follow these mystics and gnostics with reverence. Even the orthodox interpreters of theology and interpreters of the intricacies of *Shara* also revere them. Every moment of these seven days proved agonizing. Each moment of separation from the memorial of union with their love had virtually put them on burning embers of the fire of hell. They got consolation and peace of mind only as they offered evening prayers in the shrine and spent the whole night between Thursday and Friday wailing, weeping, meditating. They offered morning prayers reciting *Aurad*[2] and *Kibriyati Sharief*[3] loudly in the congregation with the other

devotees. They were unmindful of hunger and the other necessities of life. Usually, after offering Friday prayers, they would disperse without any direct or indirect association with any political activity at this shrine. They were *ab-initio* non-political.

These mystics and gnostics craved that the government representing the Indian people who are proud of Indianness as inseparable from spirituality, might consider this rare attachment and may lift the siege. At the same time, they were apprehensive for many reasons. Curfew was not relaxed, rather it was vigorously imposed. Movement was strictly confined and statements threatening the continuation of the siege made by government spokesmen were repeatedly relayed. By the mid-day of the first Thursday since the siege, they had lost every hope and had no alternative but to weep and moan as a lover separated from his beloved will do.

The general public, especially young men and women, came out within the curfew-bound localities despite the strict vigil and made plans for a Friday procession. As usual the mosques within the *mohallas* and colonies were packed and slogan-mongering from the minarets of mosques and compounds of houses deafened the ears of helmeted members of troops and para-troops. "*Narey Takbir*", "*Allaho Akbar*", "*Hazratbal challengey*", "*Islam Zindabad*" and "*We Want Azadi*" were common slogans.

Battles with forces throughout the city and countryside were unlimited in number though not organized.

On the bunkers erected after every ten to twenty yards in the city and towns, on the roadsides, on highways, on the two edges of streets, in the markets, on the two sides of each bridge in this city of bridges, on the house-tops, gates and adjacent garages of the evacuated houses of Kashmiri Pandits; the members of the Border Security Force and Central Reserve Police would look aghast upon these madly frenzied demonstrators who did not care for their safety and their lives and who, with open collars and naked chests, faced bullets. The processionists would proceed ahead. The members of the forces of mighty India would indiscriminately use rods, gun butts, tear-gas shells and even bullets but were aware of their failures. In the course of the day, hundreds were injured, several killed and thousands were beaten. The number of custodial deaths had also increased and there was no abatement in crack-downs and on-the-spot torturous interrogations of young Kashmiris.

In this background of wholesale gloom, despair and determination the Hurriyat Conference issued an ultimatum keeping a deadline for lifting the siege and declared that in case it was not lifted by or before Friday the 22nd of October, the people would march en mass towards the shrine. So after the deadline, the whole populace came out of their houses to march towards the shrine. But every lane, by-lane, market, housing locality, *Mohalla* or town was so violently guarded that every street became a sort of battlefield between the eager and determined demonstrators and aggressive troopers. Every threshold of each house was picked at least by an armed BSF sepoy or military soldier. In spite of this aggressive demonstration of anger, all the militant organizations exercised restraint and showed complete discipline because not a single armed militant, according to directions of the APHC, joined these demonstrations which were an exclusive show of the resentment of the people.

The massacre at Darish Kadal, Safa Kadal, Fateh Kadal and Nawab Bazar in the city of Srinagar witnessed the worst carnage. The narrowest of spaces were selected for shelling, teargassing and firing so that the maximum number of people would get wounded or killed. The courageous correspondent of *Frontline* gave the most accurate summing of the situation.

> "Had the journalists been allowed to cover the situation in the city in separate vehicles as they normally do, the situation in Darish Kadal may have been averted. The police fired at least hundred rounds of tear-gas, many of them into houses displaying their utter lack of concern for the average Kashmiri citizen. Men, women and children defied the curfew and tear-gas, to come out of their homes shouting "We want freedom" and other anti-India slogans. "How long will the government be able to suppress us with curfew? asked Mohammed Yousuf, a resident of nearby Safakadal ... "You Indians ....get out and leave us in peace."

In Nawab Bazar, policemen scattered like frightened hens when a volley of shots were fired from the direction of a nearby mosque. A group of journalists managed to escape and enter Fateh Kadal where armoured cars were patrolling and cartridges and tear-gas shells told the story of a gun battle.

Only at Fateh Kadal, eight persons were closely targetted by gun-shots and left in a pool of blood. But this did not deter the demonstrators from joining the procession. When they were physically dragged by the heavy contingents of the BSF and CRPF, they shouted from their windows and verandas and the police did not hesitate to throw tear-gas shells deeper into their houses. A woman, looking out of a window while mourning the death of her young son whose body laid alongwith the other seven dead bodies in front of her southern window, was also hit by a bullet. The helpless lady also died later in hospital and could not weep and moan for her son who was to get married only within a week. What the impact was on children, was again touched on by Shiraz Sidhva of the *Frontline*;

> "Young boys ran out through the by-lane, shouting slogans despite the recent firing—it was only the presence of journalists that prevented them from being shot at."

The intentions cannot be proved but inferred. Hence the intentions of the administration can well be gathered from the circumstances which preceded the worst tragedy of 22nd October. These factors precisely are:

The authorities could have saved the situation if they were able to learn something from the 1963 episode. It is therefore inferred that the political pandits in New Delhi meant the tragedy to happen rather than to avoid it.

Secondly, a terrific show of force was displayed. The four lakh unarmed population of Srinagar was entrusted to 2 lakhs of well-armed troopers leaving at the most, a couple or a child and his mother-to-be crushed by one well-armed soldier.

Thirdly, the media persons were literally kept under house arrest, the outsiders in their hotels and locals in their homes. The correspondent of *Frontline* summed up the details of the state's evil designs within the compass of a few lines;

> "The administration made the mistake of trying to confine over a hundred media persons from the local, national and foreign press to their homes and to the Ahdoos Hotel nearby."

The *India Today* (15 November, 1993) qualifies the tragedy of this day as a "Serious Setback" and under the sub-heading "Setback: How Serious?" It wrote:

> It was no longer a question of Hazratbal in isolation. In fact the siege and the manner in which it was handled only brought into focus the lack of a clear Kashmir policy."

The Indian press is either confused about the "Kashmir Policy" created by its government or bent upon deliberately creating confusion in the public mind. From 1947, if we examine and analyse the Kashmir policy of the Government of India, we will find, without any difficulty, that the obscurity in their deeds, words and statements only pivot around their unambigous design to retain J&K in any manner, not as part of the "democratic India" but as a part of "expansionist India".

As already stated, media men were not even allowed to move in the city so the happenings at other places and in bigger or smaller villages remained totally unrecorded. The reports which later reached Srinagar revealed that in all the towns where *Juma* (Friday) prayers are offered, villagers from adjoining localities came in processions raising anti-India slogans and were received by the processionists of that town. In many towns conspicuously situated nearer to high-ways or Military, BSF, and CRPF headquarters, neither the processions from adjoining villages were allowed to proceed nor were the locals allowed to offer prayers. This so deterred devotees of Islamabad, Sopore, Baramulla, Pattan and Bandipora that they were forced to offer prayers either in smaller *Mohalla* mosques or within their respective homes. In spite of curfew, the Chini Chowk at Islamabad, Iqbal market in Sopore and the main Chowk at Baramulla looked like ravaged battlefields. It was only in Charar-i-Sharief that the local population, people from a few adjoining villages and some pilgrims carried a procession upto the shrine complex.

Carnage at Bijbehara

As earlier hinted, this day has created history in the dedicated martyrdom which the Highway at Bijbehara Chowk will always narrate to posterity. Since the sincere surrender to the will of Almighty by the a family of seventy-two travellers led by the grandson of the Prophet in the desert of Karbala no other incident can claim a parallel to the

urge for union with their beloved by the enthusiastic teenagers as the one which the town Bijbehara showed on 22 October, 1993. It is not for the hypocritical tyranny with which they were caught in the jaws of instant death but for the zealously desired preparation with which those budding roses embraced their deaths.

Love has different phases but all sincere lovers crave for the one and only desire that their beloved be pleased with them. No other practice can be more pleasing for the beloved than the deliberate attempts of the lover to follow in the footsteps of his love. Every nationality or religious community pivots around its individual as well as collective devotion, around its national or religious icon. In the galaxy of such great personalities of the world, the Prophet of Islam (PBUH) has been loved and revered by his devotees, above all else. Yet he is neither worshipped as God nor revered as the Son of God, nor respected as a sharer in the authority of the Almighty. He is loved as His most obedient servant, revered as the perfect man and respected as the model of the highest human values. Love for him is not expressed through practices of carving out his image for the purpose of worship. It is to curb such human weakness that there are no pictures of his form. His lovers, therefore, do not worship his being nor recite his name night and day on a rosary nor do they prostrate themselves before his grave. The only expression of their love for him is to follow his ways in letter and spirit. It had been his practice to celebrate Friday as the weekly sabbath and in doing so he would invariably take a bath before proceeding to the mosque, put on new or washed clothes, apply scent upon his body and would apply collyrium to his beautiful rolling eyes. The youth of Bijbehara followed strictly, as usual with them, on the noon of Friday, the twenty-second of October 1993, all these practices which their favourite had left to be followed by the generations.

Before I describe this unique pilgrimage to martyrdom it is required that I reveal the source of my information. I was not present during the course of events but as destiny desired, I was provided sufficient chances immediately after the occasion to elicit first-hand information. As this martyrdom resulted from devotion to the Prophet (PBUM), the Trust, as custodians of Hazratbal, felt duty-bound to keep itself available for help and relief. It is with this aim that it established a temporary camp with the generous, humane and sympathetic inhabitants of Barzulla, Alocha Bagh, Ram Bagh, Natipora, Chanapora suburbs

of Srinagar at the Bone and Joint Hospital, Barzulla to receive the dozens of bullet-ridden, crying, unconscious, semi-conscious, dying, even half-dead injured persons from Bijbehara lifted in trucks, ambulances, matadors, carried on stretchers or *charpais*, bathing in their collective blood surrounded by wailing, weeping, crying, tired and exhausted family members. It is here, that our nerves got benumbed with the impact of the scattered tales which every man had to tell in spite of his limited knowledge about the events of Bijbehara. The Trustees, therefore, decided to hold an on-the-spot assessment and to be active participants in the relief movement being launched locally.

Along with a few employees of the Trust, the Vice-Chairman, this author and two other trustees, Haji Mohd. Abdulla and Haji M.S. Pampori did an extensive tour of Bijbehara, visited every affected house, condoled each bereaved family and thus collected first-hand information regarding this dastardly, inhuman massacre. The process could not be completed and, next day, in the company of another trustee, Haji Dr. Gh. Ahmad Bandi, I completed the job. There were no contradictions, however minor, in the narration of facts. There were no exaggerations, there was neither timidity nor frustration nor disappointment. We heard the same version of the story at a hundred different places, shadowed by tears and woeful sighs.

It is on the basis of this fact-finding mission that I narrate the following account with as much accuracy as can be found in an eye-witness narration.

Just before the *Azan* or immediately thereafter, the young devotees of the Prophet, became impatient to prepare themselves for the weekly religious congregation of Friday prayers. They were restless to get the chance to express their collective urge to see the pivot of their devotion soon liberated from the siege and accessible to their usual devotional prayers. To follow the tradition of their beloved, they bathed, came to their rooms, changed their clothes, put aside the set of clothes worn on the last Friday, wore either a newly stitched *Pathani* dress or washed *kurta pyjama*. Details show that even the belts of the trousers were replaced. Simply dressed but neat and clean, they were the very picture of freshness.

They dressed their hair, applied scent to their clothes and left with zeal and enthusiasm to follow in the footsteps of the beloved Prophet. Most of them belonged to the age group of 12 to 21 years and were

students of 6th to 12th classes. While proceeding towards Jamia Masjid of this oldest and historic town, each one of them plucked roses from the garden bedecked with flowers, which had been created by Crown Prince Dara Shikoh. These budding flowers decorated their innocent collars with roses. A caravan of devotees, depicted and demonstrated the saying of their beloved, "My pride lies in my humility". Small streams of men and women flowed to form a river of humanity. As they moved they raised slogans of "God is Great", "Long Live Islam" and "Lift the Siege from Hazratbal". They were aghast at finding thousands of BSF men and officers stationed in the local Industrial Estate[4]. Fully armed, they stood on every nook of every street, at every corner of every by-lane and all along the Srinagar-Jammu Highway. Hands at triggers, they seemed to be waiting for a whistle or a signal to act.

All the shops had been closed for the past one week and these blood-thirsty members of the Border Security Force had fitted machine-guns on every shop near the exit of the lanes joining the old town with the National Highway. Heavy army trucks were fitted with machine-guns blocking both sides of the road so that the procession could neither proceed north (Srinagar), nor to the south (Islamabad). These jawans could neither proceed to Anantnag nor to Srinagar but had to move westwards towards the Grand Mosque. But that lane too was closed hence the procession of peaceful devotees, bent on fulfilling their religious duty of Friday *Namaz*, naturally intensified their vigour. They raised the slogans of *Allaho - Akbar* ....

Bijbehara is the cradle of astrologists and the old learning centre of astronomy. It is the abode of the greatest woman of Kashmir whom Muslims call Lal Arif. Pandits revere her as Lal Ishwari and all Kashmiris call her Mother Lal, who according to the *Waqati Kashmir* of historian Khwaja Azam Dedmari lies buried here. In the same town, pre-Shiekh Noor-ud-din Wali rishi saints Yasman and Khalasman[6] have found their eternal abode here and the saint-scholar Baba Nazib-ud-din Gazi's shrine attracts communities of different faiths on what is called, "*Bud Maleh*" (The Biggest Fair). Nazib Gazi, in deference to local sentiment, never ate mutton in spite of being a Pathan. The town's metalled main road was to witness, within minutes, a massive blood-bath. The sprawling *chinars* planted by Dara Shikoh seemed to tremble with fear and the serenity of the town was about to be shattered. While proceeding towards the mosque, the procession found itself trapped

from all sides. Meanwhile, a big contingent of the armed forces cordoned them off from the rear lest they retreat and disperse. This preparation, unambiguously conveyed the intentions of the forces, yet the lovers of the Prophet were unmindful of the consequences and intensified their slogans, adding one more: "We want *Azadi*". The word "*Azadi*" annoyed the forces and within seconds, at that particular moment on the western edge, the preacher raised his voice from the pulpit and a corridor-like gap was allowed for the procession to move on, which provided sufficient indication that the show of force was just to browbeat the processionists. These young processionists, who had by now been joined by the people from all age-groups proceeded towards the mosque.

The preacher in the mosque explained the title of Mohammad accorded to him by his Lord as *Rehmatan Lil Alameen* - All Blessings For All The Worlds. Thereafter the devotees offered individual prayers (*sunnat*) and joined with the Imam to offer compulsory (*Farz*) *Namaz*. Then the disciplined devotees left in the same manner in a disciplined procession expressing anguish, resentment and displeasure at the continued siege. The procession neither went to Hazratbal nor to the district headquarters but had headed towards the shrine of the saint Nazib Sahib where, after passing a resolution against the siege, they intended to make a demand to lift it and then peacefully disperse. How could they traverse a distance of 58 kilometres upto Hazratbal in a curfew-bound area surrounded by hundreds of army, BSF, CRPF and ITBP bunkers, with at least four such bunkers falling within the distance of one kilometre. How could they go through violent military guards guarding every yard of this road? The procession had to cross the road, enter a street and after walking the distance through internal lanes of the old town would, within half an hour reach its destination. It would finally disperse to offer afternoon prayers in various smaller mosques of the *mohallas*. It took a mere whisper from the commandant of the BSF jawans to indiscriminately fire from all the four sides. What happened was a large-scale butchery...

In the homes we visited a few days after this carnage we were met with gloom mingled with satisfaction. Khwaja Vaid, an old man in his late sixties, whose elder son was martyred last year while the younger fell to B.S.F. bullets in Bijbehara Chowk on 22 October, said.

"I have given what I had, thank God that their blood will get my sins pardoned on the Day of Judgement."

Here lived in this posh colony, a Deputy Superintendent of the J&K Police who had worked in the sixties with me at Bandipur. He said that his brilliant twenty-year old son would recommend him for mercy before the beloved of God. In another single-storey house lived a poor-old couple who had only one son aged 21 years. The mother said:

> "He took a towel and soap, went the to riverside, returned after a bath, took his meal, changed his clothes, applied scent and demanded my case containing collyrium from me—alas! why did I hesitate—why didn't I give it?
>
> "No I offered him mine", intervened her younger sister with satisfaction "and he decorated his almond eyes with that black powder..."
>
> "Did he follow this *sunnat* (practice of the Prophet) also?" enquired the bereaved father of his sister-in-law who nodded."Thank God, otherwise I would condemn myself". And so the old mother, who had delivered half a dozen children but could carry her slain son only from infancy to youth, expressed her thankfulness.

In another small hut, we met an older couple. They too had only son, who had been born to them after a pilgrimage to the main shrines in Kashmir including that of Alamdari Kashmir in Charar-i-Sharief, Zain-ud-Din Wali at Aish Muqam and Makhdoom Sahib at Srinagar.

The smaller compound of the house was filled with men and women indifferent to our arrival or departure. In the small room, we sat in front of the old couple and our attention was attracted to a teenager girl sitting close to the bereaved mother. She looked like a stone image carved out of innocence. A still, silent, senseless stone idol she was, dumb and mute tears shining her in wide-open eyes. She did not weep. "Weep, please weep," all told her. She did not cry or moan from the moment she arrived.

"Where was she on the fateful day?" I asked. "In her house with her parents," replied the school teacher. "You will be astonished to know that her engagement had taken place with the deceased and the marriage was yet to be performed on the next Friday, that is on 29th October," said the school teacher sadly.

"And how is she here?" I enquired. She did not believe that her lover would die, so she followed the messenger (who had gone to inform her parents) to this place from a village in far-off Kulgam Tehsil. She had come to find out whether the news was true. People assembled there tried to make her weep and cry but she just sat there paralyzed before us.

In all, three dozen innocent young devotees fell to the bullets of the blood-thirsty BSF on that fateful day. Out of them twenty-five were within the age-group of 12-21 years and all were students of 6th to 12th classes. As a result of this tragedy, more than twenty persons were permanently disabled, dozens had received serious injuries and escaped death only after major surgery, incurring expenses of thousands of rupees. Hundreds recieved minor injuries for which they were briefly hospitalized at Bijbehara, Anantnag and Owantipora.

Among the martyred was 20-year-old Mohanji, a Pandit boy whose father was employed at the local Notified Area Committee office.

It is relevant to state here that as usual with the state and central governments, both issued press statements accusing the slain youths of militancy, of terrorist actions and of unlawful conspiracies to overthrow the government established by law. With rude and brazen-faced accusations, they justified the heinous act of their forces. The state - controlled electronic media added insult to injury by 'hurling abuses' at the wounded sentiment of the masses by shifting the responsibility of the carnage upon the victims.

By the evening, Kashmir Radio and Srinagar TV was maintaining that it was not a procession of innocent people but a planned attack of armed militants upon the BSF which had injured the Commandant and others and so "they in self-defence opened fire, killing some of the dreaded militants."

Later on, the same media agencies declared the subsequent statements about the magisterial enquiry in which it was established that the BSF had resorted to indiscriminate firing upon an otherwise peaceful procession.

It is the first tragedy after the National Human Rights Commission under the Chairmanship of the retired Chief Justice of India, Ranga Nath Misra, was established under an Act of the Parliament. The

newspapers reported that the said Commission directed the state Chief Secretary to submit a report about this carnage. In spite of this, neither the general public of J&K, nor the people of Bijbehara, nor the families of the slain persons, nor any Human Rights activist or association of Kashmir took notice of either the existence of NHRC or of its directions to the state government, so no approach was made to it.

There are several reasons which explain the apathy of Kashmir towards such official institutions though non-government commissions constituted of liberals have been received warmly.

The people of J&K dismissed the creation of NHRC and dubbed it an eyewash and yet another means of hoodwinking the world. Several reasons are together and individually responsible for such a situation.

Firstly, the Act which creates this Commission unambiguously excludes its jurisdiction upon the acts of atrocities committed by the men or officers of the Indian Army and other organs of para-military forces including BSF, CRPF, ITBP which are presently involved with the armed insurgence in J&K. By this process of elimination, the jurisdiction of this Commission is restricted and confined to the atrocities committed by the regular force of a state, in this case the J&K Police. It has already been stated that the state police force had been reduced to silent spectators and locally called the Funeral Force and so was itself a victim of the situation.

Secondly, Kashmiris have lost faith in every Indian institution ever since1950. It became evident to them that they had been duped and deceived by the assurances of Nehru that "We will leave by the evening if you say so to us in the morning."[7] Such assurances proved false in 1957 when he suddenly changed his stance. Till 9 August, 1953 the Indian government projected the Sheikh as the symbol of secular traditions and the only leader of J&K. On 10 August, 1953 they dubbed him a traitor. Bakshi, who to Kashmiris was a traitor for his loyalty to India and about whom Nehru in his address to the nation on the eve of the tragedy of Moi-Muqqadas spoke with high esteem, was within a year humiliated to such an extent that he died, a broken man. G.M. Sadiq, whose pro-Indian and progressive credentials could never be challenged was humiliated by the whispers of some Pandits after a Pandit girl Parmeshwari became Parween and married a Muslim boy. All the contradictions in their claims and actions

did expose the Indian National Congress in Kashmir. The other political parties sacrificed political morality for their election interests in the other states in India and remained lackeys of anti-democratic and inhuman polices encouraged by the Congress in J&K. During this movement it was made more than clear to each Kashmiri (even those who have a completely pro-Indian past and are dubbed as enemies by the militants) that every Indian political party and leader is, as far as Kashmir is concerned, guided by chauvinistic designs rather than by political values. So all the political parties have eroded their relevance in J&K.

The Indian press has proved beyond doubt to Kashmiris that it was nothing more than the official media for the government. It provides, the topic for a separate book titled "*The Indian Press: One Of The Dominant Causes of Kashmir Alienation.*" It never reacted, as traditions of journalism demanded, against the perpetuation and imposition of undemocratic rule. It did not react against the selection of all 75 members of the Constituent Assembly but reacted sharply when the same House approved the law regarding the abolition of landlordism. It did so as almost all the landlords were non-Muslims who had been given *jagirs* for their treachery against the people by the Dogra Maharajas.

The Indian intellectual has not lagged behind in contributing greatly, by its connivance, in this general alienation. No Indian literateur, professor, scholar or Bar Association has ever reacted against the perpetuation of anti-democratic polices in Kashmir.

In the process of this steady erosion of democratic institutions in J&K, the Indian Election Commission and the very concept of elections has become so distorted that the common Kashmiri no longer believes that in any part of India or the world can there possibly be any degree of fairness in elections.

Lastly, the inclusion of Justice Kang in the N.H.R.C who had, before his appointment to this body, retired as Chief Justice of the Jammu and Kashmir High Court, caused misgivings in the fraternity of lawyers, judicial officers, intellectuals, trade unions etc. His appointment as Chief Justice of this state had coincided with the rise in militancy. In the situation which followed to curb it, innocent people became targets of avoidable atrocities. Had the judicial system, at this crucial time, been alive to the colossal damage being caused by systematic alienation and mass butchering of human rights and had it been able to distinguish (*prima facie*) between the "involved" and innocent, it

could have both enhanced the prestige of the judiciary and arrested the alienation of the general masses. Instead Justice Kang shared the sentiment with the executive that all Kashmiris are militants—which became transparent from the recommendation he made to the administration for the appointments made to the State High Court on his behest and by the recommendations he made for transfer of judges like R.P. Sethi who to a great extent, did embarrass the arrogance of the army and para-military rulers by his orders. This author as District Judge (Bank Cases), Srinagar was arrested from his home on the morning of 5th December 1991 when Dr. Farooq Abdullah and his mother, under strict guard, were returning from the grave of the Sheikh. I was taken to the interrogation centre by the BSF commandant Kashmira Singh, for the only fault that I had as Sessions Judge, Kupwara in May-June 1991 issued orders to the BSF administration to shift their "Nazi camp" from the Court complex to some other place. Though by the "requests" made on behalf of the High Court administration to the Governor's advisor, Jameel Qureshi, I was released in the day, no action was taken to enquire as to how a Sessions Judge was arrested without prior permission obtained from the Chief Justice.[8]

On all these general and particular grounds people have, therefore, no hope or faith in this lame Commission and so do not take cognizance of any of the notices issued by it.[9]

The same organs of the media which had mischievously monitored the news of the Bijbehara carnage by turning the martyred, innocent boys into dreaded militants now relayed news items, press notes and appreciation about the action taken against that Commandant and his associates who had murdered, disabled and injured hundreds and added yet another bloody chapter in the history of atrocities after a false enquiry conducted at the B.S.F. headquarters. But why do people not feel interested in these enquiries and why do they dub it as mere eyewash?

It is because the same man with sinister designs conducts the enquiry, records the statements of witnesses of the party who participated in the bloodbath and finally puts up a report in the BSF court which, to the general view, is manned by people with similar views. Can the BSF team of enquiry come to the town of Bijbehara and conduct an open enquiry and examine witnesses from the general public? No, they cannot dare to do so. Can the local people go to the BSF camps to depose? No, these camps to their belief and experience are worse than Nazi camps. In these circumstances, it would be only convenient, just

and proper to refer these reports (already lodged in local police stations) for investigation to the local police under the State Criminal Procedure Code. But this right course has been blocked by jugglery with words and phrases. It is argued that the crimes of such magnitude are exclusively triable by the court established under the B.S.F Act. But do these acts of wilful murder constitute "actions taken in discharge of their duties entrusted to them under the BSF Act"? Did the BSF Act entrust the force established under the said Act to commit wilfully, with intention and object a massacre, blood-shed and rape? It is under the cover of similar provisions of the Indian Army Act, the Central Police Force Act and other relevant laws, that the offences of murders of innocent Kashmiris, rape committed upon Kashmiri women, wilful arson and criminal destruction of property all are left to be investigated, enquired and tried by the same forces on the evidence tendered by the colleagues and accomplices of the accused[10].

"History repeats itself" is an old adage, one that we all accept unthinkingly. But when the history of atrocities is forced upon the weaker sections by the victims of similar repression, it naturally makes the event condemnable. In Jallianawala Park in Amritsar, General Dyer and the regiment at his command at least provided a park for the crying, moaning, running, bullet-ridden men and women while the sons of the same victims provided only the small space on the main road of Bijbehara on 22nd of October, 1993. Dyer faced a commission of enquiry but Kashmiris are yet to know what the name of the Indian Dyer of Bijbehara was. An Indian freedom fighter, fired with daring self- respect, gave fitting punishment to Dyer by killing him in his home city but if a Kashmiri freedom fighter follows in the footsteps of his predecessor, an Indian patriot, he is dubbed a terrorist and fundamentalist. The Parliament of British imperialism expressed condemnation on its floor against the inhuman acts of General Dyer but not a single member of the "democratic" Indian Parliament had the conscience to table an adjournment motion on the innocent killing of their own citizens' as they claim Kashmiris to be. Are the high claims of Indian democracy fraudulent pretentions?

> The incident of Bijbehara in which the B.S.F. confronted 40 unarmed civilians at a critical time also seems strange. If nothing, it showed a total lack of co-ordination during a major crisis situation. Why was such a situation allowed to develop?
>
> *KASHMIR-The Troubled Frontiers (p118).*

Besieged Seek Justice

On the same day terror was let loose on Bijbehara, several innocent demonstrators were killed at Fateh Kadal, Darish Kadal and Safa Kadal in the city and at other places in the vastness of this state. But the Bijbehara carnage threw the other happenings into the background. However, in this bloody and tragic situation the only institution among public and private institutions which functioned was a division bench of the State High Court presided over by the Chief Justice. The two Judges, Advocate-General, Union of India Counsel and their officials came as usual under tight security arrangements but a few lawyers and four Trustees attended the Court under the constant threats of elimination. M. Zafar Shah, advocate, vehemently and forcefully argued the miscellaneous applications and made out a case for the appointment of a Commissioner who could take that risk of eliciting some correct information about the besieged. But who could take that risk? "I," offered M. Z. Shah "But his life is at risk, he will be killed by the inmates," argued the State Counsel.

He emphasised "I don't care for my life but for principles," and his daring sincerity made the reluctant Court order his appointment as Commissioner. He undertook the adventurous and hazardous journey to reach Hazratbal but was made to go back from Ashi Bagh Bridge by the armed forces in utter disobedience of the Court order.

Learning to adapt under swiftly changing circumstances is a distinguishable trait of the Kashmiri character. Upto the Friday evening, people were confronting death happily and in high spirits. By the dawn of the next day they had diverted their collective efforts towards nursing the injured, burying the martyrs and consoling the bereaved. Despite the state of curfew, people living in villages adjoining Bijbehara rushed to that old town, collected dead bodies, exhibited them with full honours for identification by their kith and kin, arranged for the performance of their last rites and selected the site for the martyrs' burial. The relief work of the almost ruined locality was started under the auspices of the local JKLF unit. Trucks, matadors and smaller vehicles were arranged to carry the injured persons, a rough sorting and sifting was made. The seriously crippled and disabled were loaded in trucks and buses and carried to the Srinagar Bone and Joint Hospital at Barzull. Some died en route while others managed to reach the hospital. The inhabitants of the adjoining localities of Ram Bagh, Chana Pora, Nati Pora, Barzulla,

Alocha Bagh, Solina, etc. in the suburbs of the city had established relief camps in and around the hospital. The hospital was packed with injured patients from Srinagar and Budgam district. Temporary mobile blood donation camps were established and blood freely donated. Food was arranged for the attendants. Women of these localities weeping and crying with agony, nursed the patients because of the insufficient nursing staff in the hospital. People obtained prescriptions from the doctors and arranged medicines. Poverty and continued strikes, disrupting their trade and vocation, did not deter them from generosity. This hospital looked like a town-fair where people defying restrictions would come, pay visits to the bullet-ridden patients, donate blood or cash or kind and would leave, shedding tears. The SMHS Hospital in the midst of the city was full of injured persons from the city and other adjoining localities and the Medical Institute of Soura coped with the rest of the injured from downtown and northern Kashmir. There at Bijbehara, less seriously injured patients were carried to the District Hospital, Anantnag and other injured persons were packed in the local sub-district hospitals at Sopore, Baramulla etc. which treated the injured persons from those areas. The rush of people was unabated. Every such hospital was like a busy market where tents were set up. The locals would serve tea in samovars to the associates and attendants of the admitted injured patients and their neighbours who came to see them. It is thus that the seriously injured feelings could be channelised in the right direction by the people who otherwise could have been frustrated and revengeful.

The government exposed its ill intentions by claiming that the Chief Commander of Hizbul Mujahideen, Syed Salahu-din, was also among the forty militants holding the shrine. People ridiculed the news as he had been seen by them at a few places outside the shrine. This falsehood further discredited all previous press notes issued by the government. Divisional Commissioner, Wajahat Habibullah, visited Bijbehara along with the Inspector General of Police and categorically denied the allegation that the processionists at Bijbehara had fired at the BSF. Thus, the kingpin of the administration contradicted the claim made by the state and its media. Ailing arrested leader Syed Ali Shah Geelani was also flown to Delhi for reasons known to the administration and the leader of the All Party Hurriyat Conference (APHC), Maulvi Abbas was injured by the BSF when he defied the curfew ban.

Ding-dong battles continued unabated in the valley, especially in the city of Srinagar. Six persons were killed in the firing and hundreds injured by tear-gas shells and lathi charges. On the same day, the police claimed the recovery of a huge quantity of arms from Jammu. By the tenth day of the siege, mediation had fallen into a stalemate and the Union Home Minister issued a threat to use force against the occupants of the shrine.

The siege coincided with the swearing in of Benazir Bhutto as Prime Minister of Pakistan. At this point the siege by the Indian Army provided a fertile situation for her to score points against her political adversaries at home and against India on a larger scale. Thus, India's Operation Blunder proved a windfall for her and so she started her second innings in high spirits after winning the toss against Indian diplomacy. She asserted in her interview with the daily Arab Times that the Kashmir problem was at the top of her agenda. On the both sides of the L.A.C in Uri sector, Kashmiris divided by an imposed and artificial line of control, held demonstrations against the siege of Hazratbal, demonstrating to two countries of the sub-continent in particular and to the world in general that no force in the world can divide Kashmir.

Hazratbal dominated the deliberations of the 51 Nations' Organisation of Islamic Countries where the Indian government was unanimously urged to lift this siege and allow unconditional freedom to the beseiged. This resolution strengthened the position of Mrs. Bhutto both at home and abroad. It simultaneously amounted to the rejection of the Indian stance by the whole Islamic world.

In Limassol, Cyprus, the echo of Hazratbal was heard with a vehemence in the summit of Commonwealth countries. Mr. Leghari, Foreign Minister of Pakistan, made critical references to this siege.

After a full week, the holed-up inmates of the shrine were, for the first time, provided with food prepared by local people of Hazratbal. It contained a tub of rice, about 20 kgs of mutton dishes and some Kashmiri breads. This supply of food annoyed both the armed forces and extremists who form the majority of Indian political workers. They severely castigated such an action on the part of the locals. In their view, the inmates should have been allowed to die of hunger. The milk of human kindness, once the distinguishable trait of Indians, had obviously run dry.

The impression created by the statement on 24th October of S.B. Chavan, then the Home Minister, threatening the use of force was dispelled by the State Governor General Rao. He said : "At the moment we have no plans to storm the shrine." This showed another lack of co-ordination among the rulers.

The 26th of October did not witness any abatement in protests or any relaxation in curfew. Nor did the situation inside the shrine improve in any way. Mediation efforts failed yet again. These failures caused widespread apprehensions about the safety of the shrine. Press briefings every evening by the Additional Chief Secretary for home affairs, Mehmood-ur-Rehman, ostensibly spoke for the view-point of the state government but in reality each item in it was first discussed with New Delhi and only such items were made public which had been okayed by the central government in New Delhi The correspondents of the foreign press who stayed at Ahdoo's Hotel in Lal Chowk found, to their dismay, that the communication system was tampered with and so had to adopt electronic devices which defeated the deceitful censor. Despite such ruses by the government, the contradictions in the Home and Foreign Ministries were apparent from their statements. If anything, they served to reflect the internal squabbles in the Home Ministry of India.

The state Akali Dal, led by Sant Singh Teg, a veteran freedom fighter, demanded the unconditional and immediate lifting of the siege. On the other hand, the Kashmir Editors Conference demanded that a team of journalists be allowed to go inside the shrine.

In the Pakistan capital, Islamabad, huge processions marched towards the Indian Embassy demanding that the siege be lifted forthwith. The "besieged masses" of Kashmir were busy for a considerable time in the day and upto late in the nights tuning their radio-sets and moving switches from BBC to Voice of America to Radio Teheran — to Douschar — to Radio Australia — Canada News and even to Moscow News Service and Chinese Radio. They would listen to every corner of the world about the siege of "Hazratbal."

For the first time a team of two doctors was allowed to examine the holed-up men. But both of them did not agree to divulge anything what about they had seen or observed. The Trust issued a hard-hitting statement exposing the government propaganda that the locks of the strong-room were tampered with. The representatives of the University Teachers Association and the members of the non-teaching staff held

a joint demonstration against the siege amidst the military cordon in the centre of the campus. By the evening the armed forces converted the temporary bunkers around the shrine into *pucca* ones, leaving the impression that the stalemate was to carry on.

The thirteenth day of the siege made the government's position seem ridiculous when a dumb and deaf person, whom the army had initially claimed to be a militant, came out of the shrine. The bewildered forces did not believe that the boy was mute. On the contrary, they thought of pretending that the dumb and deaf boy was on some sort of mission. He was tortured, mercilessly beaten and even threatened with death. After using all the third degree methods, they had to concede his permanent disability. This is how India celebrated the Year of the Disabled. Though the APHC relaxed its general strike for four hours, no shop in the main market could open nor did the traffic ply on main roads. However in the inner-city areas and in towns outside, people were able to purchase the necessities of life.

The Durbar move from the summer capital, Srinagar to the winter capital, Jammu coincided with the time of the siege. The confederation of state services issued directives that no official or employee would be allowed to move to Jammu until the siege was lifted. The direction was gladly carried out.

The Indian policy for Kashmir can well be called an embodiment of blunders to the detriment of their own cause. Pakistan too sails in the same boat. But this time Indian diplomacy was caught in its intransigence and frustration. The news of Hazratbal was the leading news story of the world media so the Indian government itself provided another hot topic to it by requesting Brussels to detain Pakistan-based KLF leader, Amanullah Khan.

It is necessary to mention the fate of the Court order passed on 22 October, 1993 appointing Zafar Shah, advocate, as Commissioner which was frustrated by the disobedience of the authorities. Before Zafar Shah lodged contempt proceedings against the state and its officials, highlighting the ordeal under which he proceeded towards his destination and reached Ashai Bagh, the state filed an appeal before the Supreme Court. It was heard at the residence of the Judge as the Court was on vacation. The learned Judge did not cancel the order of the appointment of the Commissioner but directed the State High Court to appoint a Commission consisting of the authorities of the Red Cross.

In the light of this direction the High Court, on 28th of October, appointed a team of several doctors as Commissioners who could be identified by the Vice-Chairman of the Trust. According to directions the team of doctors went inside, examined the inmates and submitted a joint report.

The second Friday after the siege dawned with a grey gloom gripping the whole populace. Injured sentiment, wounded emotion, humiliated egos, frustrated effort — had combined to bring the people of the valley to a situation of final confrontration. Die, or liberate the shrine was the common cry.

At this critical juncture the All Party Hurriyat Conference (APHC), J&K High Court Bar Association (J&K BA) and Muslim Auqaf Trust (MAT) provided collective leadership. They devised a tactful measure to contain, to some extent, the public anger. They were conscious that the Centre's game was to resort to indiscriminate killing. Thus, to frustrate this nefarious design, the channelisation of anger and sustenance of the movement needed intelligent handling. Hence, the stress on legal recourse was intensified.

Markets were closed, offices paralysed, banks locked, educational institutions deserted, and mosques wore a look of utter neglect. The two important Friday Mosques, Jama Masjid and Khanquah, were out of bounds because of the curfew. Besides, the Hon'ble Chief Justice, one pusne Judge, Additional Registrar, Advocate-General, Union of Indian Counsel, two clerks of the Court, three peons were brought from curfew-bound areas in state vehicles. Out of about 500 lawyers only a few could manage to be present. Two young lawyers, Javed Iqbal Wani and Shahwar Gauhar, distributed press notes to the press agencies. Besides, Zafar Shah, Zafar Qurieshi, Riyaz Jan (all advocates) Mian Qayoom, the President worked himself both as lawyer and a volunteer. This author, in both the capacities of a Trustee and as an advocate, was actively involved and so has personal knowledge of both the legal battles and of the follow-up actions of the Court orders.

It was after the lunch hour and after the Friday prayers that the case was again taken to facilitate the Advocate-General Bilal Nazki and the Counsel for the Union of India Anil Bhan to place before the Court the view-points of their clients about how they could facilitate the safety of the beseiged souls.

After hearing the parties, the Hon'ble Chief Justice passed the order that the J&K Auqaf Trust shall provide food to the inmates under the supervision of the state officers and further, the government was directed to allow a team of doctors under the Chief Medical Officer, Srinagar including the CMOs of other districts, so as to examine the holed-up persons in the shrine and treat the sick and ailing. Besides, they were directed to suggest measures for hygienic safeguards for the inmates.

By 3 p.m. the order was communicated to us. The Bar had played its role but the first petitioner, the Trust, fell into a difficult situation because though it was not difficult for a resourceful institution like the Trust to arrange dinner for hundreds of people and that too, on short notice, the situation was so far from normal in the city that no amount of money could purchase the bare essentials. Even if we were to arrange the commodities from our own homes, where were we to get mutton or vegetables or even pulses? Even if we could have arranged all that, how could arrangements be made to cook?

Haji Mohammad Abdulla, a Trustee and a resourceful trader, was able to contact his family *waza* (cook) on the phone but the problem of fetching him from downtown during such a strict curfew remained. Though curfew passes were made available and duly signed by the District Magistrate, the para-troopers imposing curfew paid scant respect for any civil authority, not even their own superiors. So it was extremely risky to ask the employees of the Trust to proceed downtown.

However, an employee and two drivers gladly volunteered to risk their lives and by 6 p.m. reported that rice, mutton and curds were ready for delivery but needed to be carried to Hazratbal. The Police Control Room was approached by four of us together and after much persuasion somehow the S.P., Mr. Naizi, could obtain a no-objection signal from the higher authorities and we were able to carry the truckload of prepared food under police guard to Hazratbal. When we reached the outer gate, the Major cordially expressed his inability to allow us to take the food towards the shrine. We displayed the Court order with utter humility. By then the time was 9 p.m. Wajahat Habibulah was till then, alongwith Brigadier Kanwar Singh, busy in persuading the besieged to surrender. On his arrival near this gate and before he could step into his car, I pleaded with him to ask the Brigadier to obey the Court order in letter and spirit. Unusually for a person of his

temperament, he was arrogant and disrespectfully refused to even look into the Court order.

"It is not my duty to plead with the Brigadier," said he in anger, while stepping into his car.

"But you are a respondent in the petition and as Divisional Commissioner it is your duty to make the military officers understand the purport of the order," I argued, unmindful of the position I was putting myself in and the inherent risks in it for my companions who were standing by my side.

"I do not wish to enter into an argument with you," he said, in a huff. We continued canvassing with the Brigadier who at about 10 p.m. in the chill cold, made us sit in chairs in the compound of an evacuated house which was occupied by the military. The house belonged, as the signboard indicated, to one G.M. Bandi. Brigadier Kanwar Singh behaved politely but with all the pride and might with which the officer commanding victorious forces talks to the POW of a defeated army.

"We will let you know. Till then our officers will see to your comforts here in this compound," said the Brigadier and left.

We were now within the besieged area, virtually imprisoned ourselves. Our men alongwith the truckload of food, were within the cordoned area. We were shivering in the cold. Even our youthful companion Dr. Mushtaq, Director of the Computer Centre at Kashmir University felt apprehensive of our safety but could do nothing. We pleaded to be allowed to go back but the officers hosting us were not empowered to allow us to leave. We then asked for the police truck loaded with prepared food and the employees of the Trust to be allowed to go back. But we were met with the same polite refusal.

"The Superintendent of Police is just coming and will formally inform you that the food cannot be allowed to go inside."

The SSP did not come and we were made to shiver in the severe cold to hear the same refusal, through the lips of the civil administration. Brigadier Kanwar who probably wished to avoid contempt proceedings and so wanted to drag the SSP to the dock, was clever enough to slip away.

And, so we were illegally detained upto 10.30 p.m. and it was after our untiring persuasion that Captain Basu was sufficiently moved by our condition and ordered the cameramen to take video pictures of our departure from the cordoned limits. We were brought outside the area which was under military control but told to proceed towards Srinagar. We had to go through the curfew-bound areas under the control of the BSF, hence we requested both the Captain and the Lt. Colonel to carry us back alongwith food under protection.

"We have no authority to go beyond Nagin and from there it is under the control of the BSF."

"Sir, contact the BSF commanders to allow our safe exit."

"We cannot," said the Lt. Colonel

"We cannot assure you of your safety from the BSF as they are annoyed with us," said another officer standing near the fire lit to warm the officers. We were virtually in no-man's-land or on a vacant space left between two combating forces who had just ceased the confrontation but were angrily hostile to each other.

"Who controls the distance from this place to the University gate?" enquired Dr. Mushtaq.

"We sir," replied the Captian "but our men in the campus will not allow you to enter."

"Will you kindly accompany us to the gate? We will walk the distance."

Reluctantly, but in consideration of our age, he took the risk and we walked the distance.

The utensils of food were carried by us on hand-pulled wooden carts. We took shelter in the nearby University campus for the night to start the ordeal all over again in the morning.

We were faced with the prospect of disposing of the prepared rice, samovars of tea and other perishable commodities. The Lt. Colonel on duty had a humane heart and a rational mind. He informed us that the dislocated people of Dhobi Mohalla, confined within the Engineering College, were extremely hungry. He accompanied us and allowed us entry into the college campus. The middle-class pride of these hungry,

confined men and women did not allow them to accept alms but when they heard that the food had touched the precincts of their sacred Dargah, they accepted it gladly and with devotion.

Mindful of the fact that the authorities may not allow us to carry lunch since they had disallowed the dinner last night, we prepared fresh rice but had reserved the same mutton and vegetable dishes as it was impossible for us to go into the city and arrange them afresh. It took uptil 3 pm to persuade Brigadier Kanwar and finally the Court order was allowed to be implemented. Alongwith Brigadier Kanwar Singh and his subordinate officers, we three Trustees, the Vice-Chairman of the Trust, and some employees of the institution carried utensils full of boiled rice, curds and mutton. We entered from the Dhobi Mohalla side near the iron fencing which divides the sacred compound and the locality. From inside a good number of inmates, all civilians and holed-up pilgrims, reached near the inner side of the fencing. The military authorities did not allow all the bowls of rice to go in. Out of three utensils containing meat dishes only one was allowed to go in, two of the containers containing curds, two boxes of oranges and a few packages of bananas were also allowed. Half of the prepared quantity was allowed to go into the shrine and the remaining half was returned. The delivery was made strictly under the constant vigil of the army. Their cameras and video cameras picturised even the delivery of tumblers to be used for drinking water. If they publish or display those pictures it will become known, to the whole world whether a 5-star hotel diet was supplied at all. The Indian mass media highlighted the story that a 5-star hotel diet or all the dishes of *wazwan* (traditional Kashmiri cuisine) were provided to the inmates. So, it is my duty as a witness to unfold the real picture.

Let me at first acquaint my reader with the cuisine of *wazwan.*

It is one of the oldest professions of Kashmir which has received influences from various foreign cultures but is strictly an indigenous institution. It is a misnomer to say that it has come from Iran because the *wazwan* dishes were part of the pre-14th century culture of Kashmir. References to the *Waza* and the characteristic dishes he prepares such as *Rista, Dopiaz, Methi Maaz, Kali*, etc. have been frequently made by Sheikh Noor-ud-din in his poetry.[10]

Because of the two-week long strike, vegetables were not available in the market. Nor was the *Waza* able to butcher the sheep, clean

and turn it into cooked dishes at such short notice. But as soon the news passed through several *Waza* families that food was required for the besieged men, they coordinated their efforts. They scraped together whatever they could from their stocks and pooled their resources from all the *Waza* families living in Wazapora.

The report of the Commissioners disclosed the number of inmates at 80. According to them some more people were also there but hidden. Besides there was one woman and a child below the age of twelve. Twenty-one persons were reported to be ill, two of them seriously.

This team of four doctors exposed the contention that there were foodstuffs inside the shrine. It reported that in spite of their searches they could not find any foodgrains. All the taps were dry so no water facility was available to the large number of 80 persons. The inmates were forced to use the bathrooms of the *Hamam* (which were all dry) as latrines and thus human refuse had spread an awful smell.

This "Blunder Operation" too left an impact upon the policy-makers of USA and a statement reiterating its stand came from Washington. It challenged the *vires* of the Maharaja's accession to the Indian domain. The Indian Press and political parties reacted sharply and dubbed it as a tilt in favour of Pakistan.

The arrogant army felt humiliated and annoyed with the Court order allowing food to the inmates. It is yet another indication of the immaturity of the so-called Indian democratic mind that every branch of the governance assumes to itself all powers and reacts against a co-ordinated process amongst the organs of democracy. It is so because the executive usually feels its authority challenged if and when their actions are critically screened by other branches of democracy—the legislative or judiciary.

The government was under a coma. Its employees in the civil secretariat in Jammu had gone on strike, completely burying its function under a blanket of inaction. In spite of all these circumstances, all the energy of all the branches of state and central governments were being collectively co-ordinated to ensure the death of the inmates holed up inside the shrine who included a woman, a child and an infirm and sick patient. The Trust was not allowed to carry dinner on the 30th, nor lunch on 31st of October. This amounted to wilful disobedience of the Court order.

In the meantime the residents of Dhobi Mohalla, confined in the Engineering College hostels, forced a protest march towards their houses to see their condition. Sensing the determination of these people, the reluctant army allowed them to proceed. As they saw for themselves the devastation of their assets, they furiously raised pro-*Azadi* and anti-Indian slogans in the compound of the shrine. These slogans were echoed by the staff members of the university living in the campus, their homes and some hostel inmates confined by the curfew. The deafening cries thrilled the otherwise benumbed atmosphere around the Dal Lake. It sent waves of public encouragement to the besieged persons inside the shrine. They too raised similar slogans from atop the minarets and domes of the shrine. These slogans broke the lull in the waves of the Dal, created a stir in the beautiful localities at the foot of Zaberwan hill dotted with the Mughal gardens of Nishat, Shalimar and Chasmai Shahi. The inmates in the Governor House at Chashmai Shahi felt scared and belittled in spite of its might.

On the Ist of November a confrontation on the spot again took place between the Trust authorities and the army when Drabo and I dragged a big bowl towards the shrine while Brigadier Kanwar pulled it to the other direction. The impact of this comedy with a tragic end was aptly conveyed by the cartoonist of the daily *Srinagar Times* (2-11-1993). Simultaneously, all the doctors and para-medical staff of SMHS Hospital went on a hunger strike against this siege.

Dr. Karan Singh's visit on Sunday, the 31st of October, at the end of two weeks of the siege of the shrine attracted positive attention in many quarters. The holed-up militants also desired to put their case before him otherwise they declared their decision not to meet any emissary from the Indian government. Dr. Singh also conveyed his consciously cautious reactions, against the official terrorism to which his erstwhile subjects were subjected. He did not hide his contempt against the local administration. But he could not carry with him the enthusiasm of people because they found him undecided. He was in a conflicting situation created by his aspirations and emotion. He had aspired to acquire the tenancy of Rashtrapati Bhavan but was emotionally attached to Jammu and Kashmir. In the grip of such emotions he was not as unambiguous as his father was. The late Maharaja in spite of being an autocrat, a despot and tough ruler had a soft corner for all his subjects. In contrast, his son, though professing to be attached to the whole state, found his political constitutency only in Jammu. Had

he tried he could, even at the time of Sheikh Abdullah, have created a formidable base for himself in the Valley. Against this background, the impact of his brief visit carried only one message: that the political geography carved out of Jammu & Kashmir by his grandfather, Maharaja Gulab Singh, in 1846 and strengthened subsequently by his father, has become not only a reality but any disturbance in this agglomeration of several units is bound to shatter their common and individual fortunes. His visit sent messages to different sections of Kashmiri society that this unity needs to be preserved at any cost, but can only be achieved through a common programme. The manner in which pro-Pakistan and pro-Independence forces have come together to demand that the future of the state is to be decided by a referendum of the people, so should the pro-Indian elements also show a united front. It is treacherous contempt of history to assume that the Muslims of Kashmir will vote for Pakistan for communal reasons. The present anti-Indian tirade is an outcome of political reasons as the rejection of the Two Nation Theory by Kashmiri Muslims was based on political grounds. On the other hand the insistence of local Hindus that Kashmir is an integral part of India can be viewed as communally-guided obstinacy.

To revert to the crisis of the besieged shrine, the order providing food to the inmates, as stated earlier, annoyed the army. So, pressure was mounted upon the administration to challenge the same. The Supreme Court did not change the order but made certain amendments. Its spirit however, was so shrouded in verbosity that its import was ambiguous. The Hon'ble Judges of the Supreme Court were themselves conscious of these ambiguities and contained a direction therein that any party may seek clarifications, if required, from the State High Court. The relevant excerpt of the order .of the Supreme Court reads as follows:

> "The food will be served under the supervision of Wajahat Habibulla, Divisional Commissioner of Kashmir, to a small group of inmates."

It further restricted the quantity of food to each inmate to contain 1,200 calories. That, in other words, meant that the Trust had to provide each time, foodstuffs containing 12,00x80=96000 calories.

Now let us look at the relevant direction contained in the impugned order of 29th October, 1993. It reads as follows :

"Accordingly we direct that the authorities shall not put any impediments in the supply of food to the inmates of the shrine by the Petitioner No. 2, All J&K Muslim Auqaf Trust ...."

It is thus clear even to a layman that the Supreme Court did not change the agency for supply of food.

Frustrated with the behaviour of the police and the military, the Trustees approached the Additional Chief Secretary, Mehmood-ur-Rehman, and Divisional Commissioner Wajahat Habibulla but they had no argument against the proposition put forth by us that the Auqaf Trust is the confirmed agency under the Supreme Court order to supply the food to the inmates. They agreed in principle but expressed their inability to persuade the army authorities to obey the Court order. Chief Secretary Sheikh Gulam Rasool in peculiar postures inherent in his character, said:

"You know I am a Kashmiri Muslim and so my bonafides are doubted." "Why does he not resign then?" angrily asked M.S. Pampori, a Trustee. Then we went to General Zaki who remained hidden in his bungalow. We took the trucks loaded with food to the guest-house where Chief Justice Mathur then stayed. But he had left for Jammu and we rushed alongwith these prepared foodstuffs to the residence of Justice G.A. Kuchey on Srinagar Airport Road but he did not have the courtesy to even glance at us. The state had obtained orders from the Supreme Court Judge after Court hours from his residence but the High Court Judge did not deem it proper, at least to see how the state was flagrantly violating the orders of the highest Courts of J&K and India respectively established under the J&K Constitution and the Constitution of India. During these days the state threw inside the shrine packets containing in all forty loaves of bread and some *dal*. The Supreme Court had itself ordered as much food to be served which contains 1200 calories for a person. It was worked out by nutritionists that the following items of food, if served, would nearly contain the requisite food value. The break-up is given for the reader's benefit:

Milk : 25 to 300 ml - 2 Kg for 80 each time.

Meat/Fish/Chicken : 75 gm = 6 Kg each time

Vegetables : 350 gm = 14 Kg

Pulses : 25 gms (75 gm if meat not served)

Cooking Fat : 15 gm = 14 Kg.

The Supreme Court had itself encouraged contempt not by an individual or a group of persons or by some party but by the government claiming to have been established by law, which had prosecuted twenty thousand people during this period for offences under TADA levelling accusations against them that "they are overthrowing a government established by law". The same government had thrown to the winds the very basis of rule of law, and that too at such a critical time when the eyes of the whole world were focussed on their activities at Hazratbal. One can well infer, on the basis of logic and reason, as to what must be the behaviour of the J&K government, installed by New Delhi, towards the ordinary daily orders of Courts of Law passed in detention cases, against police atrocities and in the cases of custodial deaths. I will only state here that the earlier flagrant contempt committed on 22nd of October was brought to the notice of the Court on 24th of October 1993 and in that contempt petition, the Court had issued notices to certain government officers to explain as to why they should not be punished for contempt. After hearing the contemners the Court could pass orders either to drop the proceedings or convict and punish them. The state went in appeal against the order passed on 29th October. The disobedience of the order had given rise to contempt proceedings. The Supreme Court did not quash that order but upheld it with modifications. So it could not, in its best wisdom pass an order dropping the contempt proceedings. The Hon'ble Judges of the Supreme Court in their kind wisdom did not find it worthwhile to direct the High Court to receive forthwith the objections of the contemners and to decide the matter most expeditiously. On the other hand it dropped *in limini* these notices and thus ordinary Kashmiris, even members of the legal profession had reservations to proceed further for any subsequent contempt against those very officers who had defied the earlier court order but found encouragement to do so. When the Auqaf Trust was harassed continuously and not allowed to provide food to the inmates confined in the shrine on 6th of November 1993 we made another application praying for issuance of *Rule Nisi* against the officers who continuously "defy and disobey" the order of this Court confirmed by the Supreme Court of India. The Hon'ble Judges Kuchai and Parreys passed the following order on that subsequent petition:-

> "Their Lordships have disposed the contempt petition presented by the petitioner regarding non-complaince of the order of this Court dated 29 October, 1993 which order was appealed against and modified by the apex court. At this stage only these observations need to be kept on record." (6.11.1993)

Out of the ambiguous situation it emerged that the murderous attack on Major Gen. Zaki, Advisor to the Governor and Wajahat Habibulla, connected with the Hazratbal imbroglio, was not an accident as claimed but a deliberate attempt to eliminate them. This act occurred in a military cantonment area during tight curfew and was caused by a military heavy vehicle. The Indian government has always kept a handful of Indian Muslim officers as showpieces and in the case of Hazratbal, three Muslim officers, namely General Zaki, Wajahat Habibullah and Mehmood-ur-Rehman, were kept on the forefront. All three are non-Kashmiris. The decisions were being taken in New Delhi. The three men were representing the doves and so the hawks naturally disliked them.

After terrorising the whole nation of Kashmir, the authorities in New Delhi realised the futility of their actions. Hundreds of innocent people were being killed. Thousands suffered losses of millions of rupees due to the curfew and closure of business establishments. The critical period of the academic career of thousands of students was spoiled. The government officers, banks and other state-owned corporations remained defunct for thirty-two days and the government wasted millions of rupees of its exchequer but for what? Ultimately the military was withdrawn on 16th of November 1993, the cordon of the shrine complex was lifted and the displaced inhabitants of Hazratbal were allowed to return to their houses. Indian opinion was again befooled that the militants had surrendered. The consequences which have emerged at the local level, more so on the international level dashes such claims to the ground and establishes that it was Indian might which had surrendered.

In the background of the dramatic visit to Islamabad by Mrs. Raphel of the U.S. State department on her way back home from Russia and the abrupt visit of the British Foreign Secretary to New Delhi, it is generally believed that the decision was taken somewhere else and implemented at Hazratbal. The holed-up militants gave up their insistence that they be granted a free passage from where they could leave alongwith their arms. The Indian government also gave up its position to prosecute the militants for the crimes they had allegedly committed under state laws. The militants formally surrendered with paltry ammunition. The civilians whom the government had till then considered hostages were freed within 24 hours without recording the statement of any of them under section 161 of CR.P.C. as no case

was registered against any militant either for abduction or for illegal confinement of citizens or for threats to blow up the shrine or for any other offence. On the other hand, all these militants who till then were the worst possible criminals in the eyes of the administration were set free. Even the Pakistan nationals (as dubbed by India) were allowed to proceed to their homes across the LAC. They were given a formal send-off like respectable guests. It was stated by the authorities that out of the 80 inmates (as stated by the team of doctors who visited the shrine during the siege under the Court order) only 26 were militants. They surrendered their arms which, according to details given in a press briefing include:-

> 16 AK 47s, one Universal machine gun, one rocket launcher, one pistol, two grenades, one wireless-set and two binoculars.

It is a commonly admitted fact that no militant in the Valley moves without arms and at least keeps both a rifle and a pistol on his person. Thus, the left-over arms could hardly be considered the usual and normal quantity for only sixteen militants. People ask, and legitimately so, as to what happened to that stock of arms which the authorities claimed at the beginning of the siege was dumped in the shrine. Where did the stock of dynamite and other explosives, with which they had planned to storm the shrine go? What happened to the arms of the remaining ten to twelve militants as the surrendered quota could ordinarily arm fifteen to sixteen militants? Does it imply that only a part of the arms was left over and the rest taken back by militants? People assert that all the 26 persons were given their arms back after the drama of surrender, as devised by the mediators behind the screen.

Now let us examine the confusing justifications made by the authorities at the time of the siege. It was claimed by no less an i mportant personage than the Inspector General of Police that the militants had entered the shrine to smuggle out the holy relic in order to repeat the situation of 1963. Even the name of one of the employees of the Trust was cited as a person who had provided such information. He later made an outright denial and even executed an affidavit to the contrary. Thus, the insinuation was rebutted in right earnest. The circumstances after the siege and as they exist at present, expose this stand of the government as a blatant lie.

As the siege progressed, it was propagated, both widely and violently, that the militants had entered the shrine to storm it and had, to that extent, fixed dynamite stickers and wires. No such explosives were ever recovered. However, militants did issue such warnings amidst their thirst and hunger in a bid to threaten the authorities so that the inmates who constituted mainly pilgrims would not be killed or injured.

The final scene of the siege exposed the falsehood behind the government's propaganda. It would be relevant to quote *India Today* to show the extent to which the government's propaganda had caused confusion even among leading newspapers and journals in India.

> .... it is for instance no secret for the local police, civil administration, the BSF, the army and the intelligence agencies that the militants had been using the Hazratbal mosque as a hide-out for the past eight months. In fact, Al-Umar militants had been holding arms inside the shrine. (Ref. supra)

This summing up by Ms. Baweja for *India Today* of the details of surrender given by the state government are contradictory. The first account given during the siege that the Al-Umar outfit used the shrine as its headquarter and had an arms exhibition here is itself contradicted by the situation made clear by this "surrender." Are we to assume that the Indian army and paratroopers are so meek that they allowed the disappearance of this huge cache of arms from Hazratbal which only few days ago had been displayed with big banners by the Al-Umar? It has already been said that for more than two weeks of the siege the B.S.F. had been busy carrying out crack-downs around the shrine in the University complex, Engineering college, Dhobi Mohalla and around the Dal Lake. In such a situation it was even impossible to throw such a huge quantity (as claimed by Baweja) into the deep Dal Lake unless there was active connivance of both the jawans and officers of the B.S.F.

The same learned writer, Ms. Baweja, had in collaboration with Ramesh Vinayak collected material for fifteen months from the surrender of the belligerent parties at Hazratbal and attributed the comic end to a deal under which the state paid about Rs. 25 lakh as "compensation" for the arms which the militants left behind in the shrine after surrendering before the state authorities to be safely handed over within 24 to 72

hours to their "eagerly waiting" families. Reference is made to the "Special Reports" of *India Today* under the heading "Pay-Off Secrets" published in the issue of 15 February 1995. The following excerpt from this article may help my readers to assess the reality:

> ..... what has now come to light is the fact that the siege would not have ended the way it did if the mediators had not been tempted by the offer of Rs. 25 lakh. At least half of this money was paid as compensation for the weapons that the militants left behind inside the mosque before giving themselves up to the army.

The main advantage, besides gaining poll benefits, was to paint the movement in Kashmir as purely a revival of Muslim fundamentalism. Hence this "Blunder Operation". However, it cannot be denied that the agitation is mainly fed with Muslim slogans. They have been part of Kashmir political life from 1931 even under the National Conference. Sheikh Abdullah used to accord public receptions to his friend, Jawaharlal Nehru and at such congregations also slogans of *Narai Takbir — Allaho Akbar* were raised.

To attain martyrdom for a Muslim, it is necessary that he lays his life down for a sacred religious cause. Hence the apparent protestations.

Let us now ascertain from the facts as to who surrendered at Hazratbal. The intellegent cartoonist of the Urdu daily *Srinagar Times* has conveyed the contradictions in the Indian claims through his aptly sketched cartoons of 17 November, 1993. The success of Indian rulers in Kashmir itself speaks of its defeat. As hinted above, the exit of militants from the shrine to their destinations was a result of behind-the-screen agreements. The press release of the J&K Government on 16 September 1993, specifically mentions that the end of the drama, which they termed as a surrender, was played in the presence of G.M. Dagga and Ghulam Mohammad Bakshi. Hence they are the best witnesses. They told PTI on 17th November that an agreement was reached in Hazratbal in their presence on Tuesday morning with the following terms: (a) that the civilians would be released by Wednesday evening; (b) militants with marginal involvement would be freed within three days; and (c) hardcore militants would be released within seven days. The subsequent follow-up action established has beyond all reasonable doubt affirmed the testimony of these two witnesses.

After lifting the military siege and allowing the militants to go to their hide-outs the shrine was not handed over to the Muslims but was handed over to the Border Security Force. Governor Rao warned that the government would not allow the shrine's misuse and hence imposed strict security measures with metal detectors and bunkers within the premises and inside the shrine. Such stringent measures would not have been objected to by the people had there been an iota of truth in the allegations levelled against the shrine authorities immediately before and after the siege. The result which became clear after the last day needs precise narration.

To recapitulate, on 16th October 1993, the Inspector General of Police, Mr. Suri, alleged that militants had entered the shrine to lift the Moi-Muqqadas in a bid to repeat the events of 1963. Later, the army demonstrated a fabricated banner showing that Al-Umar Mujahideen had held an arms exhibition in the shrine, claiming that the shrine was a hide-out and arms reservoir of the militants. The two stands are self-contradictory. If, for the last eight months (as reported by *India Today*) the shrine was being used as a hide-out, then the militants could at any moment, have lifted the Moi-Muqqadas. Why should they, then, have made a formal entry on 15th October? The report of the team of doctors showed that the inmates were hungry, ill, short of water and other facilities. Had the militants used the shrine as a permanent hide-out for the last eight months, they would have stored food and other necessities of life. But within only one week they had resorted to eating dry *chinar* leaves. The presence of only 26 militants out of the total inmates who included a woman, a child, a deaf and dumb person shows that these 26 armed men were forced to take shelter in the shrine. The end of the drama has established beyond all doubt, that it was under the pressure of searches conducted for more than two weeks prior to the siege on all sides of the shrine, coupled with the circumstance of burning the building adjacent to the shrine, which forced these people, comprising 26 militants and 54 civilians, to take refuge in the shrine.

Against this background, any restriction on the movement to and from Hazratbal was considered as unwarranted interference. The siege Hazratbal shrine continued. The last prayer offered in the shrine was the night prayer (*Nimazi-Isha*) on 15th October and the last display of the holy relic was made on the Friday following *Milad-i-Sharief* (the birth anniversary of the Prophet (PBUH) in the month of August 1993. The *Urs* of Hazratbal celebrating the death anniversary of Abu

Bakar, the first Caliph, fell on 7th December 1993. The Trust and APHC renewed the demand to lift bunkers around the shrine, restore the pre-15th October position of the shrine by allowing the people to clean the shrine complex so as to enable the management to display the holy relic and make it possible for the pilgrims and devotees to satisfy their spiritual urge.

It has been said that these two days in the year are so deeply connected with the person of the Prophet (PBUH) that the Muslims observe them with the same enthusiasm and devotion with which they observe the two *Ids* in the year. But, particular to Kashmiri culture and distinguishable from Muslim practices in all over the world and even distinct from the traditions of the sub-continent, these two occasions are celebrated in Kashmir with much more fervour. Houses, shops, streets, mosques and shrines etc. are usually illuminated. The night of the 11th and 12th days of *Rabiul Awwal*, third month and 26th and 27th day of *Rajab*, the seventh month of the Muslim calendar, respectively are observed with all-night meditation and the sight of the holy relic. People derive the same spiritual satisfaction which devotees get at the sight of Medina, the city of the Prophet. The Prophet's birth anniversary was last celebrated in Hazratbal in the month of August. Intervening between the two important occasions, the death anniversary of Hazrat Abu Bakar passed in a disconsolate atmosphere, disappointing the devotees who were unable to glimpse the Moi-Muqqadas. Now the devotees were impatiently waiting to rush in thousands to Hazratbal on 9th of January 1994 to celebrate *Shabi Mehraj* — The Night of Ascendence to the Heavens. The Trust and APHC, on the insistence of the people, repeated their demand to lift the internal siege of the shrine and allow its cleaning. But the vicious circle of politics again overruled the sacred sentiments of thousands of devotees . It was the first ever occasion since 1700 AD that the devoted lovers of the Prophet were deprived of the opportunity to express their devotion in the second Medina—as they lovingly call Hazratbal. The denial of this opportunity, revered by both time and tradition, has convinced even the illiterate and the mystic alike in Kashmir that his destiny can never be safe in the midst of such politics.

On the night of 14th and 15th of *Shaban*, corresponding with 27th and 28th of January, 1994, *Shab-i-barat* is one of the two nights during which Muslims throughout the world are duty-bound to stay awake all through the night with uninterrupted meditation. Though the

holy relic is not displayed during this night or on the next day, thousands of devotees attend the shrine and devote the full night in gnostic practices.

The Quran qualifies the prayers offered during the *Shab-i-Qadar* (the night of the 26th and 27th day of *Ramzan*) equal to the prayers offered continuously for a thousand months. Though every mosque in every locality, every shrine and every hospice is filled with thousands of the faithful to celebrate the night of power in meditation, mystics, *Sufis* and lovers of the Prophet, sincerely believe that by meditation during this night in the shrine of the Prophet they would be doubly rewarded in the world hereafter. Among all devotees, these are the true lovers who do not pray or meditate in the desire of heaven nor under the threat of the flames of hell, but only to please their Lord and his obedient servant Mohammad. They have been guided by their spiritual leaders (*murshids*) to acquire the pleasure of God and his Prophet by devoting this night of *Shab-i-Qadar* to the memory of the Prophet in his shrine in close vicinity to the sacred part of his body.

Historians have called Kashmir the land of saints and seers. For centuries the cultural life of Kashmir has thrived under the mystic strain both during Hindu and Muslim periods of rule. Thus, mysticism is very much a part of the Kashmiri and dominates his religious life. Kashmiri history has, therefore been free from communal disturbances. Orthodox interpretations of religion did not flourish on this soil. *Sufis*, saints, mystics and their followers used to assemble in Hazratbal all night long on *Shab-i-Qadar* to recite *Khatmat*, Award of *Amir-i-Kabir* and *Kibriyat-i-Sharief* of Syed Ab. Qadir Jeelani. But this *Shab-i-Qadar* which fell on the 10th of March 1994 marked the first time that the mystics were not allowed to follow the centuries-old tradition established by earlier saints like Radho Mohammad Chisti, Mirza Akmaludin Badakhshi, Sheikh Ahmed Tarabali and other renowned saints whose shrines too are now revered places of sanctity for all the communities living in Kashmir.

Earlier on 5th March 1994, people particularly devotees from the Shia community, keenly wanted to have a glimpse of the holy relic on the occasion of the martyrdom of the fourth Caliph, Hazrat Ali but they too were disappointed and disillusioned.

On 30th May 1994 on the anniversary of the third Caliph and on 7th June 1994, people celebrated the martyrdom of the second Caliph Hazrat Umar but on both occasions Hazratbal was not open to the devotees.

These repeated incidents over a period of time, fuelled feelings of hatred against India, leading to an inevitable alienation. The *Sufis* and mystics, who had by and large remained non-political, despite their considerable hold upon the public mind, have also been completely alienated from India. They have spiritual connections as followers of the Chisti mystic order with Ajmer and as *Naqashbandi Mujadidi* have links with Sirhind in Punjab (India). They had hitherto not approved of the anti-India strain in the Kashmir movement. But the Hazratbal siege made them also begin to think politically. The minds of such devotees were at the start of the siege utterly confused. They did not know whether to blame the Indian army for the sacrilege or the local youth. However, the intransigence which the Indian policy-makers continued to show towards the holding-up of the shrine had the local people also convinced as to who was the culprit.

The columnists in the Indian press cannot hide their joy when they find some weakness in their adversary but are simply unable to see their own nakedness. In an article entitled "*Pakistan Exposed*" the columnist of the daily *Pioneer*, from New Delhi, finds a Pan-Islamic strain in some groups of militancy and holds :

> These groups sought to put the Kashmir movement in the context of the Pan-Islamic movement even though this brand of Islam practised was unique with its interestingly Sufi tradition."[11]

Will Mr. Jha explain to the world and to his own conscience what really happened? Who strangulated the *Sufi* tradition at this critical hour by depriving these sincere mystics and their followers of spiritual contentment and forced pangs of separation upon them?

The Jamiatt-ul Mujahideen, a tough militant organisation, has launched a large-scale movement of destruction of government property to pressurise it about the Hazratbal issue. The authorities have themselves provided the militants with effective material to justify their hatred against the Indian government, its policies and everything to do with it. In this drive the militants of the Jamiat have reduced to ashes buses

owned by the State Road Transport Corporation, cars and jeeps belonging to the state garages, buildings of the state P.W.D. etc.

Generally, people were annoyed both with militant groups and the APHC who could not adopt the toughest possible strategy to liberate Hazratbal. On the other hand, the leadership expressed their apprehensions and awareness that the troops and paratroopers were not satisfied by the daily rate of twenty deaths and wished to repeat at every roadside the tragedy of Bijbehara. The lovers of the Prophet were getting impatient as they were deprived of the sight of their beloved relic on all the holy occasions. The massive destruction of government property wreaked by the workers of Jamiat-ul Mujahideen to pressurise the government did nothing to soften the rigidity of the admlnistration. Against this background, the state government started its annual gearing up of the administration to prepare for all comforts for the thousands of Hindu pilgrims who in the third week of August visit the sacred cave at Amarnath. Incidentally, the Moi-Sharief is scheduled, according to tradition, to grace the devotees with its view in the same week. Mystics, *Sufis*, *faqirs* and the general public had become restlessly impatient. Their hatred for the Indian administration found a target in undecided leadership. The reaction was spontaneous for two reasons. Firstly, the fast approaching *Id-i-Meelad* and secondly, the enthusiasm of the Indian administation to devote all its energies towards the Amarnath *Yatra* and to deny Muslims access to their most sacred shrine. Sensing that the resentment was fairly widespread, the toughest hard-core militant organisation, Harkatul Ansar, threatened to stop the Amarnath pilgrimage unless Hazratbal was opened to devotees. The threat was not confined to the yearly *Yatra* to Amarnath but even extended to causing disturbances to the daily rush of pilgrims to Vaishno Devi temple in Jammu. Initially, the government considered it merely a bluff but a bomb blast in the third week of July 1994 in a bus heading for Vaishno Devi in Jammu caused alarm. Subsequently the government put up an overwhelming show of force by deploying army and paramilitary forces on all the four routes leading to Amarnath. They cordoned off roads from Batote to Amarnath, Islamabad to Pahalgam, Bijbehara to Sheshnag and Baltal Sona Marg to Sheshnag.

Hazratbal and Swami Amarnath

Unity in diversity is the distingushable trait of Kashmiriyat. It has been the confluence of various philosophies and a way of life

where each faith or school of thought has retained its distinct identity. This does not mean that the various sections of people living here, have lived idealistically, free from conflicts and confrontations. Such stages too have come which posed serious challenges to the tradition of amity and brotherhood but they have been short-lived, temporary and limited. At certain historical junctures the traditional amity in Kashmir has overpowered the threats of dissension. This amity and the tradition of mutual love among various communities has been evident from the reverence which different faiths display both for Hazratbal and Amarnath.

The sacred cave of Amarnath is one of the five highest abodes of Lord Shiva in the sub-continent. The dictionary meaning of Amarnath is Immortal Power. Its original name was Amreshwar. It was known even one thousand years before the birth of Christ. *Nilamat Purana* refers it by the name of Amreshwar. It is situated amidst meadows covered by snow and guarded by silver-turbaned high peaks. There is no habitation around, no greenery or even trees. Among these high peaks is situated a narrow pass and herein lies, in the heart of its mountains, a cave which looks like a white demon, with its mouth open. This mouth of the cave must be fifty feet wide, a few feet more than that in length and with equal depth. Inside this cave stands an image carved out of ice resembling the Shiva *Linga* which is worshipped by devotees of Lord Shiva. It is similar to such images which are carved out of black stone and adorn Shiva temples across the length and breadth of the Indian sub-continent. The special miracle attributed to this cave is that the snow image grows in size with the waxing of the moon and as soon the moon attains completion on the fourteenth night of the lunar month, this image attains its maximum size. With the decline the size of the moon, the image too reduces in size till it melts on the last day of the lunar month. On the next month the process again starts. Two white pigeons fly out of this cave on the night of the full moon during the month of August, usually coinciding with the festival of Raksha Bandhan when sisters tie the knots of deep-rooted love and affection around the wrists of their brothers.

This cave has been revered and worshipped from the era of Raja Nar who ruled Kashmir years before the birth of Jesus Christ. Due to the devastation caused by the great floods at the time of Noah or some time thereafter due to its sheer inaccessiblity, the cave remained out of reach for devotees. It was in the year 34 BC, during the reign of

Raja Sandeman, that it was again discovered along with Sheeshnag. For many centuries thereafter, it again fell under a blanket of forgetfulness and out of reach for devotees when a Muslim shepherd from Mattan re-discovered it. Since then the custody and management of this holy cave has remained under the charge of the Malik dynasty of Mussalmans from Mattan who along with the Pandits from Mattan share the offerings and responsibility of its management. Recently, two more institutions have also joined the fray and all four now share the offerings amongst themselves. They are the Dharamarth Trust and Sadhu Sangh. The cave is 3,800 meters above sea level. It is reached by a tedious and often hazardous journey through narrow passes and mountain cliffs. Nowadays the pilgrims cover the plains upto Pahalgam in motor vehicles and from there the younger devotees begin trekking and hiking whereas the old or infirm proceed either on horseback or in palanquins. This difficult journey is facilitated by the hospitable and accomodating cooperation, devoted hard work and zealous participation of Kashmiri Muslims all along the route. From the officials to the ordinary palanquin bearer, from the guide to the *pujari* all important functions are carried out by Muslims.

In recent years the normal functioning of such places of veneration which are topographically isolated has come under strain. Be it Amarnath or the shrine of Baba Reshi Sahib in Tangmarg, the pilgrimage to such places has become full of risks in the present war-like situation.

In 1990, 1991 and 1992 militant groups assured the safety of the pilgrims — Indian, foreign and local to and from Amarnath. They even installed mobile units of hospitability and provided tea, snacks, water, etc. to the pilgrims. In 1993 it was reported that some members of the RSS had penetrated along with grenades and bombs within the ranks of pilgrims and thus created tension in an otherwise peaceful journey. Their main purposes were firstly, to mar the reputation of the ongoing struggle by branding it as sectarian and communal. Secondly, their purpose was to give a pretext, however slight, to the trigger-happy armed forces to massacre Muslim officials, labourers and villagers directly or indirectly by way of their official duty or voluntarily or by mere chance connected with the *yatra*.

The pilgrimage of 1994 was clouded with threats of reprisal or at least of disturbances. As soon as Harkat-ul-Ansar issued an ultimatum, reactions of varied dimensions came to the surface. It is for the first time that none — even the politically indifferent mystic and *faqir* —

did criticise the decision. Against their centuries-old cultural trait they all hailed the decision as the right one, in the right direction at the right time. It was thus a bad and unhealthy turn of the cultural process of this nation devoted to amity and tolerance but this unfortunate trend was forcedly imported into our thinking by the obstinate Indian policies. In this background, all other militant associations supported the move and the head of the Hizbul Mujahideen, Syed Salah-ud-din, in a special interview to the correspondent of the daily *Pioneer*, New Delhi wholeheartedly endorsed the call and justified its genesis.

In India various types of statements poured in after this challenge. One view condemned it and demanded stern handling of the situation. Such elements were thirsty for blood and would not hesitate even if some Hindu pilgrims were to die in the clashes but they would be satisfied if Kashmiri Muslims are massacred, plundered and burnt alive. There are reasonable people who did not hesitate to condemn this move but simultaneously demanded the restoration of Hazratbal to its devotees. Leaders of the Indian Muslim community toed the former line.

Secular India: The Touch Stone of Hazratbal and Amarnath

On the threat call issued by the Harkat-ul-Ansar, the Minister of Internal Security in the Ministry of Home, Rajesh Pilot, typical of his usual behaviour, airdashed to Srinagar. The Divisional Commissioner of Kashmir, B. R. Singh who after explaining the ground situation, suggested that the "heavens will not fall on the earth if the *yatra* is not conducted this year." All others, including the Governor and the Minister for Internal Security were adamant — "Come what may, the *yatra* will be conducted". This was not an expression of their administrative ingenuity but inner communal venom. So, they burdened the exchequer, spread panic in the countryside by a huge deployment of forces and provided a strong argument to those people who had (even before 1947) dubbed the Indian National Congress as the Indian Hindu Congress. Mr. Singh was unceremoniously transferred within a few months. He had taken over only after the siege when Wajahat Habibullah met with the near-fatal accident. He was made to realise that in a government for the majority and by the majority, an officer has to guarantee the smooth holding of a Hindu festival even though he may, in consequence, have to kill thousands of Muslims. Singh had not done any misdeed but as a loyal officer had placed before the

government the ground reality he had gathered from the field staff from the Collector to the concerned village-level worker.

All types of Indians from bootleggers to distinguished intellectuals reacted in the same manner with the same vehemence against a statement issued from an unknown hide-out in some deep forest. But no one in this huge India could persuade its government that after it had failed to show the complicity of Hazratbal, they had no cause to occupy it and hurt the religious feelings of the majority of Kashmiris.

Hunger Strike

On 15th July, 1994, I travelled from Srinagar to New Delhi. Mohammad Yasin Malik of the J.K.L.F , along with his lawyer Imtiaz Sofi, was travelling in the same plane. According to the conditions attached to his liberty on bail, his appearance before the New Delhi Police was necessary and it had become a monthly routine for him. He was restless but thoughtful. His pensive mood conveyed that he was in the process of devising some plan. Probably he conceived on this journey some idea which he was to implement later on.

On his return, by the start of the third week of July, he alongwith Shakil Bakhshi — an intellectual among the militant cadre — declared a fast unto death or the lifting of the siege, whichever might occur earlier. They selected Hazratbal as the venue of their hunger strike. Mysteriously, they managed to reach the shrine, enter it and begin the hunger strike, along with Idries (of the siege fame), Bashir Ahmad Bhat and others.

They were arrested and detained. Yasin Malik a chronic heart patient, became weak and suffered a serious setback. He was taken to hospital and given initial treatment, whereas the others were taken to the JIC (Joint Interrogation Centre) which is manned by the regular army, BSF and CRPF jointly.

Without any call from APHC or any other militant organisation, the whole of Kashmir was paralysed by a general strike. Shops, business establishments, government offices, Courts, educational institutions, banks and even the Civil Secretariat sported a completely deserted look. The APHC and other powerful militant organisations issued statements against the uncalled-for strike, but without any

impact. The JKLF considered it as their victory over other militant organisations, but to be realistic it was neither demonstrative of mass support for this organisation, nor did it amount to disrespect towards the APHC. It was solely due to the love, dedication and devotion for Hazratbal and so should be considered one more living miracle of this sacred shrine.

Malik was again released and he again slipped into Hazratbal and continued his fast. In a deteriorated condition he was carried in an ambulance to SKIM Sciences at Soura where doctors declared their inability to treat him and so he was air-lifted to AIIMS at New Delhi. The non-Governmental human rights organisations intervened and managed to obtain an assurance from the Minister of Internal Security Rajesh Pilot, about the removal of bunkers from Hazratbal. After such assurances, Malik was brought back to Srinagar where Kuldeep Nayyar and Justice Sachar made him and his ten associates (who were brought from JIC at Sonwar to the residence of Malik) break their fast with fruit juice on 2nd August, 1994. They were assured that within a week the pre-15th. October 1993 position would be restored at Hazratbal and all deployment made thereafter in the shrine complex, withdrawn. On the same day, Benazir Bhutto, Prime Minister of Pakistan, declared in Muzzafarabad, Azad Kashmir, that the Pakistan government and people would give all moral and political support for the just cause of the Kashmiris and demanded in unequivocal terms the lifting of bunkers from Hazratbal.

People had little faith left in the promises of the Indian leaders and politicians after their bitter experiences of half a century and were equally conscious of the indecisive situation in Pakistan politics. The political drama of Hazratbal had reached its climax with full intensity and suspense when two hitherto insignificant personalities tried to insert some humour in it. Prof. S.D. Soz of the National Conference and Maulvi Iftikhar Hussain of Congress (I) got the Indian official media to air the news at 10 p.m. that they had met the State Governor and had persuaded him to lift the bunkers from the shrine. Intelligent Kashmiris drew the logical inference from the circumstances, knowing full well that pulls and pressures had brought the "arrogant authority in New Delhi" on the right track.

Against this background, eighteen days before Hindu pilgrims could view Lord Shiva's pigeons from his abode , the authorities in New Delhi issued directives to its forces to retreat from the frustrated

adventure. The "Blunder Operation" culminated in an autopsy of the secular pretences of Indian policy.

It was on the evening of Friday, 15th October 1993 when the BSF started the moves for the military siege of Hazratbal and it was incidentally on a Friday evening. But on 5th August, 1994 the BSF bunkers, which had again been installed by the Indian military on 17th November 1993, were lifted and the vacation finally started. By 4 a.m. of Saturday (6th of August 1994) the bunkers raised immediately after the siege on 15 October 1993 were completely removed. The BSF units posted at these bunkers constituted such a considerable number of jawans and officers that the University and the Regional Engineering College both were filled with the removed forces. It is highly derogatory for any civilised government and for a state claiming a system based on the rule of law to hand over the highest educational institutions for occupation by its forces. The inmates of the hostels and the on-roll students of these institutions went on strike against the forceful occupation of the Campus.

Throughout his life, the Prophet had stressed that the purity of the soul depends on the purity of the body. This is why before offering *Namaz* (prayers) five times a day, the faithful have to perform ablutions and before touching the Holy Quran he must undergo the same process. The pre-requisite of *Sulat* (prayers) is the purity of the place and the body. It is in this context that I quote from Mohammad Haykal's book:

> His clothes and His house were always perfectly clean, for Mohammad not only saw to it that the duties of ablutions were perfectly carried out at all times but He even used to say: 'Were it not for my fear of imposing hardship on my people, I would have made it a duty for them to brush their teeth five times a day'.[12]

It is in this perspective that we must understand the necessity of purifying Hazratbal which had been subjected to pollution, impurity and filth during the siege. Hence on 28th of *Safar*, corresponding with the 7th of August, 1994 on Sunday, thousands of Muslims from the city and nearby areas assembled at a very short notice in the shrine complex and the work of its purification was started. This historical function was lead by APHC, MAT and *mujawirs* of the *Dargah*. The rush of people was spontaneous. The leadership of these associations looked like superfical props in costume. After missing one thousand

four hundred and seventy-six regular prayers and thousands of optional prayers for the first time since 1700 AD, the devoted collectively offered the mid-day *(Zuhar) Namaz* in the shrine on 7th August after the purification. Weeping and wailing, Ghulam Hassan Bandi escorted by lovers of the Prophet, displayed the Moi-Muqqadas to lakhs of eager eyes.

It has been a centuries-old tradition that from the last date of *Safar* special prayers known as *Khatmat* are observed till the evening of 12th of *Rabi-ul-Awwal,* the birthday of the Prophet which coincides with his death anniversary too. Hence from Monday the 8th of August, these special prayers were started. On Friday the 13th of August (the first such Friday after 15th October 1993) there was an unusual rush of devotees.

Before I go on to dwell upon the moral of the story of the siege, one or two points about the miraculous coincidences which have arisen in the course of the holy relic's history need to be mentioned. The first display of the Moi-Muqqadas on its arrival in Kashmir was made on Friday. It was not a calculated move but a coincidence as it arrived on that particular day in Khanquahi Naqashbandi. Azad Khan, the Pathan Governor, made a sacrilegious attempt to test it on the afternoon of Friday. The BSF entered Hazratbal on 15th October, 1993 which was a Friday. More than a year later, the decision to display the holy relic on 12th *Rabi-ul-Awwal* was executed on 28th of *Safar*, which is the day of the beginning of the last illness of the Prophet. This illness proved fatal and on 12th of *Rabi-ul-Awwal* i.e. 8th of June 632, the lover of the Almighty found his union with his beloved. These coincidences were not intended nor did it occur to the members of AHPC or preachers at Hazratbal that the night of 29th of *Safar* had such a historic relevance to the Prophet (PBUH). It was during Dogra rule from (1845-1947) that the last Wednesday of every second month of the Muslim calendar was observed as a holiday as the 29th of *Safar* of 632 AD was a Wednesday. It was during the rule of Shiekh Abdullah that such a holiday was cancelled.

What India gained or lost in this game which it began on 15th October 1993 requires precise treatment. It is, in my opinion, the honest duty of the Indian press and intellectuals to educate their nation about the gain and loss of the actions of their rulers. But the Indian intellectual is either dead to such issues or labouring under some delusion. The Indian journalist has always acted as a dummy to the Home Ministry

of India, on Kashmir, Punjab, Assam, on the issues of Naxalites and communal riots. They completely toe the official line and work under the policy of self-censorship. By reporting correct events and by putting before the people a balanced view of events, they may, no doubt annoy the ruling party, but will greatly consolidate the larger national interests. Had the press and opposition parties in India, irrespective of the pleasures or displeasures of Jawaharlal Nehru put the correct picture of J&K before the Indian people in the fifties and early sixties, things would have been much different.

Aditya Sen, in his article "*A Gamble for Peace*," follows the same tradition of self-deception. He has not added anything new to our knowledge by reporting that the people of Kashmir are "exhausted with five years of relentless violence." That violence was forced upon them due to circumstances which have been sufficiently stated in chronological order and with convincing arguments so far in this book. No nation wants to live in constant turmoil, facing a daily dance of death and destruction. Sen is confusing his readers by saying that the rejoicing on the lifting of the siege was out of appreciation for Indian concessions. It was for the courage and discipline with which they made the mighty Indian army correct its stance.

The eight-month old ordeal left certain indelible imprints on the history of the Indo-Kashmir relationship.

Firstly, the frequency with which Indian leaders, from 1947 onwards, pressurised the leadership in Kashmir to enter into accords and the swiftness with which they used to defy the earlier accord to force a subsequent one suiting their interests, had lead to widespread suspicion and lack of faith. This was confined to the politically conscious circles only. The reign of terror let loose by the army caused the final mass alienation. However, the gnostics, mystics, *faqirs* and other religious-minded people would attribute all this incarceration to destiny and previous evil deeds. But the siege of Hazratbal and its continuation beyond 17th of November 1993 caused the complete alienation of this formidable section of people which, though non-political, could subtly and silently turn the events to any course. This, therefore, was the greatest loss which India caused to its own interests in Kashmir. In their discourses, till before the siege, these seers and saintly people used to express their disapproval of the "use of force" from any side. To be fair, the

arms revolt did not initially find approval of,the seers but after the 17th November siege of the shrine by the government they the changed their opinion.

Secondly, before the siege, the Indian media had been effectively working to malign the militants for their misuse of Hazratbal. This message was earning dividends both internally and externally. There was no "misuse" (as was described). Its use was limited to the continuation of tradition only. But it had created a confusion among strictly religious Kashmiris. The end of the siege made it clear that the shrine was not misused nor used as a hide-out, nor had any militant organisation dumped arms there. There were no signs or traces that there were any such preparations. On the other hand every Kashmiri was convinced that the siege, particularly its continuation beyond 17th November 1993, was a planned conspiracy to bring this highest and most revered spiritual centre of Mussalmans under the control of the government.This aspect provided circumstantial corroboration to the local theory of Indian involvement in the displacement of the relic in 1963.

Thirdly, (as stated earlier) all through the drama of the siege and even during its first week, the Indian government and its press was, to a great extent, successful in confusing world opinion. But the position as it emerged even during the first week and was confirmed by the drama of 17th November 1993, reiterated the stand taken by the Muslim Auqaf Trust on the third day of the siege. It is thus established that the government forces, by continued cordons and crack-downs in the neighbourhood and around the sprawling Dal Lake, by causing fire to the building adjoining the shrine during that fateful night and by evacuating people from Dhobi Mohalla and confining them in the Engineering College hostels cleared two weeks earlier, had forced the 80 inmates to take refuge in the house of God. It was just to save themselves from being burnt alive or butchered after being taken into custody, that they took asylum in this shrine.

Even a considerable section of Indian public opinion had, from the very start of the siege, understood that the mischievous Congress culture had devised this sacrilegous game to achieve electoral gains.

Fourthly, the siege served to expose the secular pretensions of Indian leaders. Pakistan has no secular claims and is an unabashedly theocratic state. It is on this ground that Sheikh Abdullah and his National Conference had argued with the Kashmiri people to stay with

the All India National Congress and later with the Indian dominion. Though geographical, cultural, religious, linguistic and economic factors, including means of communication and trade make J&K part of Pakistan, the democratic aspirations and secular claims of the people of J&K and the Indian government alike were explored by the Sheikh. Therefore many people here by and large deceived the Pathan interveners or tribal raiders (as two different sections qualify them). They were deliberately deceived by a section of the population. Otherwise no power could have snatched J&K from the "convenient lap" of Pakistan. Though the continued communal riots in India from 1947 till the demolition of Babri Masjid on 6th December 1992 and its after-effects had sufficiently exposed the secular claims of India and the communal character of the Indian National Congress in particular, the exposure which the Indian government gave to itself by continuing the siege of Hazratbal beyond 17 November 1993 and its insistence on doing anything and everything for the Amarnath *Yatra*, provided a conclusive proof of its communal character. The complete withdrawal of the BSF from Hazratbal in the first week of August 1994 did nothing to appease the Muslim majority; it was more to facilitate Hindu pilgrims to have a safe journey to and from the Amarnath cave. Had the Indian administration accepted the suggestion of Divisional Commissioner, Singh, and deferred the *yatra* it would have proved that it was not guided by communal but administrative interests.

Fifthly, India has gained time to continue its occupation of J&K. From 1951 onward, it has devised one or other pretexts to defer the final settlement of Kashmir. It is this intransigence which forced Pakistan to engage itself in two wars with India. India accuses Pakistan of terrorism in the Punjab and other states and in return, Pakistan accuses India of its dismemberment and for the continued turmoil in Karachi. In this situation of a proxy war, India has been using the Simla Accord as a triumph card and has designs to involve Pakistan in the gimmicks of unending deliberations with little achievement. India accuses Pakistan that despite the Simla Accord, the latter internationalises the issue of Kashmir. But it is India, which by its blatant violation of basic human rights, has brought the problem of Jammu and Kashmir out of the cold-storage of time. It is India which by the folly of the Hazratbal siege had internationalised not only the problem of J&K but its act of religious sacrilege. Hazratbal dominated the *O.I.C.*, it was discussed in the Commonwealth Summit deliberations, it was discussed threadbare in various Parliaments of various countries and the problem of its siege was solved behind the screen by clear, visible

and deliberate interference from the world, particularly by U.S.A. and Great Britian. Ms. Raphel of U.S.A. on the eve of the stalemate stopped for an unscheduled visit to Islamabad on her return from Russia.

On 12th November 1993, this author met with a serious accident at the Boat Club, New Delhi and was admitted to Dr. Ram Manohar Lohia Hospital in New Delhi. On 15th November a well-informed journalist friend called me at the hospital and in the course of the conversation said:

"Do not worry about Hazratbal, care for your health. As soon as the British Foreign Secretary steps in this country, the siege will be lifted." Probably the next night, the British Foreign Minister arrived and within twelve hours of his arrival the siege was lifted on 17th of November. Who is, therefore, responsible for internationalising this issue and who accepts intervention? India, Pakistan or the people of J&K? All the three concerned parties with their actions and reactions have kept this problem a burning issue and so the peace and prosperity of the sub-continent demand that the political leadership takes action useful to the national interest. Let the intellectuals of India, Pakistan and J&K join to create a forceful public opinion to end this imbroglio.

Now a great deal of time has passed since the lifting of BSF bunkers from Hazratbal. The shrine has no military guard, police protection or BSF ring around it. As usual, since 1963, there are some members of the J&K Armed Police stationed inside to guard the relic. They were there on 15th November 1993. But during this period no Indian officer, Indian newspaper or opposition leader has stated that Hazratbal is used as a hide-out or as an arms godown for *mujahids*. Different militant organisations and the APHC continuously use this stage as they did before the siege. During the Charar-i-Sharief debacle (February to May in 1993) the leader of the JKLF, M.Y. Malik attempted to organise protest demonstrations from Hazratbal to Charar-i-Sharief. It once again proves that this Dargah is a political stage as it was before.

The burning of the shrine and adjacent buildings at Baba Reshi Tangmarg in 1992, the burning of the Oriental College of Learning and its rich library at Hazratbal, the burning of Islamia College with its laboratory and library and similar such acts committed before the Hazratbal siege became the links in a chain of oppression. The devastation caused at Charar-i-Sharief in May 1995 subsequent to the Hazratbal siege provides yet another

strong link in this chain. More recently the arson, killing, loot and molestation of women at Khiram Sirhama situated on the Bijbehara-Pahalgam Road about 62 km from Srinagar in the second week of June 1995 is another notch in the Indian army's belt of atrocities.

Our discussions on the Hazratbal siege as an eyewitness account connected with the management of the shrine finds much corroboration from the Indian Defence Review Team headed by Maj-Gen. Afṣir Karim. In Kashmir-*The Troubled Frontiers* (p110-120.):These comments are:

> The sequence of events and various reports clearly indicate confusion and lack of co-ordination at all levels of the administration throughout the crisis. The army, the para-military forces and state administration seemed to be working at cross-purposes and the cordon was allowed to continue for an inordinately long spell during which the motley crowd of militants inside the shrine received international attention. Several questions arise from the display of a lack of Army and civil co-ordination despite the existence of a unified command. The following points require special attention:

* It is not clear as to who took the decision to replace the B.S.F. cordon by an Army cordon—and why the army was rushed in on unconfirmed reports.

* Senior Army officers made unnecessary statements. (Here the authors quote statements of the Corps Commander).

* ... hard and soft options were openly debated in public giving indications of a major disagreement between the Governor and Army Commanders on the one land and between civil and military advisors on the other ....

NOTES

1. Manzi Raath :- A customary celebration performed one night before the marriage ceremony during which the Hina (Manz) is applied to the bride.

2. The attributes of God praised by the Quran have been arranged in an order by Syed Ali Hamdâni and this Award has been recited in shrines and mosques for five centuries.

3. Sheikh Abdul Qadir has compiled and edited the praises of Mohammad (PBUH) mainly from the Quran and is called Kibriyati Ahmar. It is with devotion, recited in Hazratbal particularly during Friday nights.

4. During the reign of the late G.M. Bakshi (1953-63) small scale Industrial Estates-complexes were constructed at every Tehsil Headquarter mainly to give undue advantage to contractors so as to cause diversion in the movement against his nepotism but no industry was ever established in any such estate. A similar building at Bandipur housed the Court of Munsiff Magistrate (Ist class) in 1968, which till date is there. Other such estates are now occupied by paramilitary forces.

5&6 The brothers were great Rishi Saints. It is reported that Salar Sanz, father of Sheikh Noor-ud-din converted to Islam at the hands of Yasman Rishi—one of the two brothers. They lived during the first half of the 14th century.

7. On 1.7.1950, Nehru addressed a gathering of two lakh Kashmiris in Lal Chowk, Srinagar and said: "Aap Subah ko Kahein Hamein Yahan sey Chalo, Shamko Hamara Har Jawan Nikla Hoga." As a college student I was amidst the gathering. For verification refer to the Daily Khidmat (Urdu) Srinagar, 2nd July 1950 (The official organ of the ruling J&K National Conference).

8. B.S.F. and other para-troopers including regular forces, established Joint Interrogation Centres (JIC) in every locality. Only in Kupawara district from Dragmulla upto Trahgan, a distance of 10 kms, ten (10) such JIC's were established. One such centre was opened in Kupawara (micro-wave station) which is situated within the district court complex. Innocent persons would be tortured in the centres and I would, while trying the sessions cases, hear the cries of such tortured persons. Mr. Sikandar Malik, Tehsiidar Magistrate, had virtually left his court and the adjoining residential house. A lawyer M.S. Malik, was also tortured, and consequently I addressed a D.O. letter requesting that the Centre should be shifted.

9. The Act of the Parliament which established the said Commission in Sec. 1 (2) excludes expressly the jurisdiction of this Commission upon J&K. The definition defines armed forces as 'army', 'naval' 'air force' and other forces established by the Govt. of India. So, it provides that as regards abuse of human rights by so defined 'force' personnel, the Commission has only power to seek a report from the Govt. of India and later on can make recommendations only to the Govt.

10. The Army Act, B.S.F. Act, C.R.P.F. Act, I.T.B.P. Act provide that any offences committed by any member of any of such forces can neither be investigated by "civil" police nor can be tried by local courts. Such offences can only be investigated by the concerned court of enquiry and are triable by the respective courts established under those respective Acts. It is under this pretext that the offences which these forces commit in J&K (though not in exercise of their official duty) are neither investigated by the J&K Police nor triable by criminal courts of J&K.

11. Daily Pioneer, New Delhi, May 30th 1994-Mr. Jha argues that Pakistan by rejecting the 3rd option i.e. of Independent Kashmir has got itself exposed in J&K. It may be a correct assessment but why does he not equally admit that India, by rejecting the "right of self determination", already stands exposed.

12. Prophet Mohammad (PBUH) by Haikal-pp 489.

CHAPTER VI

IN LEGAL HISTORY

Kashmir has a written history of about five thousand years and can rightly be proud of such distinction. However, as universally accepted, these older histories are mainly chronicles of kings and so contain less about the socio-cultural evolution of Kashmir. As the judicial system is *sine quo non* of governance, so, these histories written about various periods contain direct and indirect references to the legal system which was then prevalent. Significant anecdotes depicting the sense of justice deeply ingrained in the then rulers and the ruled also find place in these documents.

Jona Raja, the contemporary historian of Sultan Zainulabidin Budshah (1420-70), has quoted many instances of justice meted to the subjects at the hands of their monarchs and provides specific and definite material to form an opinion about the legal and procedural system prevalent in Kashmir.

More so, the tradition of commitment to and respect for the system of law is evident from our folk tales. Kashmir has seen eminent judges like Sir Dalal about whom legendary tales have been coined, though he was simultaneously a part of the executive as the judicial member of the royal cabinet. The Maharaja was himself the Highest Appellate Judicial Forum under his own devised, enacted and promulgated Constitution. To assist him, a Judicial Advisors Board existed, consisting of eminent jurists of undivided India. As the ruler, he never dissented from the advice tendered by the Board and its judgements were free from any interference, even from the monarch.

This deep-rooted tradition got the first jolt during the initial rule of the National Conference when an ordinary member of the ruling party, issued *rule nisi* against a Judge of the J&K High Court. It is in the light of this background that we will have to see how a religious place, particularly famous for mystic inspiration, has been the subject

matter of litigation and that too in such a manner that it has left a deep imprint on Jammu and Kashmir.

Like many other religious places and institutions, Hazratbal also owns huge properties including land, buildings, business establishments, shops and orchards. Hence in the capacity of the landlord, the management in the name of this shrine has to knock on the door of justice and is often dragged to the court of law. Again the revenue accrued from offerings to the shrine has had various claimants who have involved the name of this shrine in court proceedings. However, we need only confine ourselves to such cases relating to Hazratbal which have a bearing on the evolution or devolution of faith in the system of justice, or which have a direct or indirect impact upon Kashmir's political history or are otherwise significant in the history of litigation.

While describing the political aspect of Hazratbal, mention has been made of the Hazratbal murder case, the theft case of Moi-Muqqadas and the writ petitions filed for lifting the siege around Hazratbal which are still under judicial scrutiny.

In the month of February 1958, a month after his release from a five-year term of detention, Sheikh Mohammad Abdullah had to address a well-organised and well-attended Friday Congregation. The ruling clique headed by G.M. Bakshi also organised a workers' meeting on the same day, at the same time and at the venue of Hazratbal close to the shrine where the people had gathered to hear the released leader after five years. The plan was to assassinate the district president of the ruling party, Saif-ud-din Makhdoomi so that the Sheikh and his associates would be entangled in a murder case. The legal side of this case needs to be understood.

An. F.I.R. involving Sheikh Abdullah, Maulvi Mohammed Syed Masoodi, Khwaja Ali Shah, Mirza Qadir Beg and dozens of other eminent leaders of Kashmir belonging to the two main political parties, the J&K Plebiscite Front and the J&K Political Conference, or even those with no party affiliations (like the Sheikh and Masoodi) were arrayed together in this murder case. It is commonly known in Kashmir that Bakshi had taken the late V.K. Krishna Menon into confidence while hatching the plan to involve the tallest leader of Kashmir in this case. But it is said that Nehru reacted sharply against involving the Sheikh, so though the contents of the report were not changed, the name of the Sheikh was deleted. He was not even constructively involved.

The report specifically stated that affray, riot and murder was the consequence of the offensive speech of the Sheikh. The accused, numbering about one hundred were all "the cream" of Kashmir politics who moulded and gave shape to the freedom struggle of Kashmir. All of them, regardless of their status, were herded into shabby and dirty police lock-ups and were kept there for months under interrogation and finally, Nila Kanth Ganju was appointed as Special Magistrate under Section 14 of the State Cr P.C.. A *challan* against all of them was filed for offences punishable under Sections 302, 148, 147, 120-B, 149, etc. of the Ranbir Penal Code[1].

According to the old procedure which was amended in 1957 (but the amendment at this time awaited the notification of its implementation) the committal court had to record statements of all the witnesses. Hence it took years for N.K.Ganju to record statements of more than three hundred witnesses, all of whom were either party workers of the ruling National Conference or the employees of the same organisation, police officers and constables or the members of the notorious Peace Brigade which was locally nicknamed the Force of '*Khuftan Faqirs*'[2] (those beggers who after night prayers commit thefts on the pretext of begging). The main bluff in the prosecution story was the 'dying declaration' of the victim *Mohi-ud-din* Bandi which was recorded by Malik Sharief-ud-din, City Munsif Magistrate First Class. Malik Saheb retired very recently as a Judge of the Delhi High Court. His father, at the relevant time, was an office- bearer of the ruling National Conference.

Mr. Ganju, after recording the statements of these witnesses heard the accused, who denied all the allegations and attributed the concoction of the case to political animosity. The Magistrate committed all the accused for all the offences to the Sessions Court.

"Dying Declaration"

What aroused suspicion about the dying declaration by Mohi-ud-din Bandi as presented to the court was its well-knit construction, continuity of theme and flow of technical language. All these three qualities must logically be absent in a statement of a man fatally injured and slowly succumbing to the injuries. Lack in sequence, break in continuity and haphazard narration are usually visible signs. On the other hand, this appeared to be a statement of a healthy man, fully conscious and able to remember details of the attack, narrating the events with all their logical sequence. It read that an irate mob proceeded

towards the meeting place, shouting slogans and was led by persons named by the victim. Detailed descriptions of each alleged assailant, specifying who pulled him down, who forced him to lie prostrate, who sat on his chest and who pierced the knife in his body were included. It also described the role of the other accused who were alleged by him to be members of the unlawful assembly consisting of a big crowd. The declaration was mocked by people and it became a common tale about how a dead man's thumb impressions were affixed on the statement. Sarcastically, people would say "Bandi had taken re-birth and made an identification parade of his assailants before the judge."

The Accused Speak

In his well-prepared statement, Maulvi Masoodi made a scholarly assessment of the background, introducing his story with a Persian verse.[3]

Detailed arguments were advanced by the lawyer, pivoted around the point that the committal magistrate was not merely a post office to transmit the file from the police to the trial court but had to record a finding whether a *prima facie* case existed or not and if it did, against whom and for which offence. But ultimately, the magistrate acted as a mere post office and charged the accused for all the offences for which they were arrested by the police. Finally, a court of a Special Judge was established and Abdul Qadir, a prominent and well-known prosecution judge was appointed as the presiding officer. As I was the defence counsel in the Hazratbal case, my account, as follows, is based on my personal diaries and memories.

It is highly necessary to quote only one incident from the prolonged trial of this case before the Sessions Judge so that the students of history are able to form an opinion of the judicial system in Kashmir and the selection of Judges to try and hear cases of such intricacies.

As mentioned before, the ruling party had conspired to kill their own district president, Makhdoomi, who had fallen from the favour of the king-maker, Bakshi Abdul Rashid. But events developed in such a way that the would-be victim became the complainant, so he was the first witness for the prosecution before the Trial Judge. Sensing his importance, he demanded a berth in the state Cabinet as there were political workers who were semi-literate like him and were already in the cabinet. The Prime Minister assured him of his reward and nominated

him to the Upper House of the State Legislature, that too from the constitutency reserved for intellectuals, artists and authors. But when the king-maker Abdul Rashid vetoed the nomination, he was made to wait in the corridors. The Court accorded dozens of opportunities for the complainant to be produced before the Judge but he insisted on a ministerial position first. Finally the Judge himself did not attend, and thus avoided the closure of evidence. Dates for the hearing came and went and finally, the Judge ordered that if the "Complainant is not present on the next date his statement shall be deemed closed". On the next date, the chief witness did not come so R.K. Kaul, Chief Prosecution Counsel, devised a trick.

The prosecution had conceded bail for the two accused, Mohammad Abdullah Paul and G.N. Khayal and both of them were bound to appear on every date of the hearing. R.K. Kaul planned to persuade both to remain absent so that the Court would have to issue non-bailable warrants against them and they would, thereby, avoid the consequence of non-production of witnesses. I got this information and conveyed it to the senior defence lawyer, Mr. Qureshi, and so we managed an application for exemption of those bailed out accused for the next date, and obtained the Judge's orders before he was informed about the prosecution's plan. The application was appended with the file by the clerk of the Court but on the fixed day the application was missing. We levelled accusations against the clerk who was brought into the court. He said; "Sir, I annexed the application with the file, inscribed the page number on its corner and it was part of the file till the file was presented half an hour earlier to you for perusal in your chamber".

He made this revelation so boldly, that the Judge was humiliated in the process. Even the learned counsels of the parties were so aghast that a pin-drop silence hushed the jail barracks.[4]

Then the principal accused, Maulvi Masoodi, 'humbly' submitted "Sir, for my whole life I have avoided uttering any English word lest I get myself ridiculed. But the vocabulary of my mother tongue fails to convey the character of your honour so I am borrowing unwillingly from the English lexicon." The Judge was eager to hear his words but replied, "Maulana, please do not trouble me by making standing requests. Please be seated. I have respect for you."

"I will positively sit down but let me convey my opinion that you are an able "dacoit". The word, sir, has no equivalent in Urdu."

At once, the visiting senior lawyers sprang to their feet. They were R.V.S. Mani, Senior Advocate, Supreme Court of India and Sardar Amar Singh Ambalvi, a senior Advocate of the Punjab High Court. They made a standing request. "Sir, he has committed contempt of this Court, *rule nisi* may be issued against him. It is our duty as officers of the Court to see that the Courts get full respect. Let the contemner be our own client".

"But," replied the Judge, "Maulana is at liberty to say anything as he is my leader".

With this comic end, the Court rose for the day without transacting any business and the prosecution was saved from the consequences of the previous speaking order.

The case lingered on in the same stalemate till the end of the Bakshi government. Bakshi's successor, Khwaja Shams-ud-din had to bow out under the pressure of the holy relic agitation and the ministry of G.M. Sadiq was installed. Almost all the accused were granted bail but neither did Makhdoomi become a minister nor did he appear as a complainant before the Court. Finally, the case was withdrawn by the Sadiq government.

Before the Hazratbal murder case could be decided either way or withdrawn, the history of Kashmir took a new turn on the displacement of the Moi-Muqqadas of Hazratbal during the night of 27th December, 1963. Its political impact on the history of Kashmir has been described in detail but every law-abiding citizen of the civilised world shall pose the question of whether the individual or group responsible for this heinous crime was at all exposed or was brought to book and punished. It was not merely a theft case but an act of sacrilege, an act causing disharmony among various sections of the people, an act in consequence of which hundreds of murders followed,and lakhs of public and state money were wasted. An act which caused the worst battle of armoured tanks in the history of the world on the soil of the sub-continent, it was an act of a magnitude which could not be foreseen by any legislature of the world, so no specific provision of penal law would embrace the mischief. This heinous crime invited the most deterrent punishment. But the question then arose: who was the culprit? This question remains unanswered even though more than three decades have since gone. It is the province of the student of political history to pinpoint its political implications, inferences, deductions and analogies which have earlier

been discussed but as a student of legal history it is also to be seen how it affected the faith in our judicial system.

To appreciate these niceties, we will have to sift the grain from the chaff with a legalistic and judicial approach. Only then shall we be able to grasp these intricacies.

As mentioned before, the FIR lodged in the concerned police-station made specific allegations of conspiracy against a number of the accused who included, amongst others, Khwaja Mohi-ud-din Kara, President of the Pro-Pakistan Political Conference, Mohammad Shafi Qureshi, a founder President of the J&K National Congress and Sheikh Abdur Rashid, nephew of Sheikh Mohammad Abdullah. I am not certain whether they had some link with the incident or were included merely due to political animosity. On the other hand, public opinion was so moulded for some time, that the people developed a belief that it was the handiwork of Bakshi. So in these conflicting situations people believed that the riddle would be solved by the Court of Law. But even the prolonged Court proceedings did not provide any solution to this puzzle.

The F.I.R. filed during the Shamus-ud-din regime could not be acted upon as the government was virtually paralysed. Law and order, though strictly a State subject falling within the State list of the Indian Constitution, was surreptitiously taken into direct Central control by posting two senior civil servants from New Delhi as ultra-constitutional rulers. P. K. Dave (who later became the Lt. Governor of Delhi) was armed with powers as Additional District Magistrate of Baramulla and the late Mr. Bannerji (who later on became Chief Secretary of this state) was empowered with a similar arssenal for the districts of Srinagar and Anantnag. Under strict guidance from New Delhi, and particularly from Mullick, the then Chief of the Central Intelligence Bureau, the investigation of the crime was deferred.

Immediately after registration of the first information report, Mohi-ud-din Kara and a few others were arrested and detained by the police. Their arrest and detention, though debatable, was convincing but the arrest (as kingpin of the conspiracy) of Abdul Rashid, a graduate in horticulture from the town of Tral in Pulwama district, caused wide suspicions about the genuineness of the investigating agency. Similarly, the involvement of Haji Abdul Rahim Bandi, the very owner and possessor of the holy relic again puzzled the nation. Why should he

deprive himself and his progeny of the honour and income the relic brought him? The prosecution had to satisfy the inquisitive public mind at least by forming some convincing background which could make him do something so self-destructive. There was one more person from Uri involved in the mess. His involvement too appeared to be a part of the gimmicks with which, since 1947, the state government has played. The relic had no sale value. No one could purchase it unless its historical authenticity was proved and no one could certify the authenticity of stolen property. Thus the removal of the relic had no such interest or design but had a simple and specific one which could only be political. In this background, people could digest the involvement of Kara, Sheikh Rashid and Shafi Qureshi but could not accept the involvement of Bandi, the horticulture assistant or the man from Uri. Nor did the incomplete *challan* filed before the Special Judge established under the Enemy Agents Ordinance, explain the involvement of these three persons.

It was the unanimous decision of the people that the Moi- Muqqadas was lifted from Hazratbal with only one purpose, intention and object — to deprive this mosque of the distinction it had as the centre of Muslim activity in this state. They felt that the dominant object was to burn Kashmir in the flames of disturbance and hatred. The manipulators, conspirators and executors of this plan might have derived the thought, mechanism, planning and accuracy of execution from the conspiracy and mischief planned in 1160 AD somewhere in a western country but executed in Medina. In a miraculous manner, the Sultan of Egypt, Sultan Noor-ud-Din Mehmood Bin Ahmad-ud-Din-Zangi caught two westerners red-handed when they dug out a tunnel underground upto the coffin of Prophet Mohammad and were about to accomplish their plan by taking the body away. The two criminals had confessed that on the directions received from their king, they had mastered the Arabic tongue and Muslim theology and behaved as true, faithful followers of Islam with a mystic bent of mind and scholarly aptitude. They had spent extravagantly to purchase the confidence of the people of Medina. A similar attempt was again made during the reign of the sixth Obedi ruler Al-Hakin but with a different purpose. It was to shift the importance from Medina to Cairo.[5]

Against this background, the people of Kashmir were restlessly eager to know the intentions, aims, objects of the man behind the conspiracy and to find out who he was. The minority community was

more anxious to see the conspiracy exposed because at such an hour of emotional upheaval, anything could happen. It is due to the mature tradition of amity that Kashmiri Muslims did not suspect or believe even the remote and indirect involvement of the Kashmiri Hindu. The Sadiq government owed its birth to the Moi-Muqqadas agitation. As a member of Sadiq's political family, Ghulam Mohi-ud-din Kara was already named as one of the accused in the case, so it was not only legal but a moral duty for Sadiq to wash off the blot from his name and expose the real facts. On the other hand it was during his government that an incomplete *challan* was produced against his own cousin and brother-in-law, Kara. But when the *challan* was not produced, people believed that had he allowed it to reach the Court, his own complicity would have come on the surface. Similarly, as was pointed out by P.L. Koul in his book, "the people of Kashmir, genuinely felt concerned about the direct involvement of the Government of India in the theft case of the holy relic"[6]. It is thus manifestly clear that the production of merely a sheet of paper requesting for an adjournment to produce the *challan* lingered for 8 years, and this was encouraged by the Indian government, to hide its own complicity. The term 'incomplete *challan*', is unknown to the Criminal Procedure Codes of J&K and India. Section 344 of this Code provides that the Court may adjourn a case for reasons recorded. It is under that procedural provision that the Courts have been accommodating the investigating agency to complete the *challan* if they, for reasons cogent and reasonable, are not able to complete it within time. This concession is just an exception and is attracted only when the reasons are compelling. The adjournment too could be granted upto a fortnight, a month or a couple of months at the most.

The investigating agency which investigated the Moi-Muqqadas displacement (theft case) conducted its investigation under the control and supervision of the Intelligence Bureau and its director Mr. Mullick, who guided the day to day developments of investigation. But it placed only an incomplete report under Section 172 Cr. PC. consisting of a sheet of paper before the Special Judge appointed under the draconian penal law, the "Enemy Agents Ordinance", on the 6th of August 1964 after seven months and twelve days of the occurrence under Sections 380, 295, 457 of the Ranbir Penal Code (read with E.A.O. provisions). The accused mentioned were Abdur Rahim Bandi (the custodian and *Mutawali* of this shrine, Qadir Bhat of Chara Tehsil, Uri, a fictional character who was not ever. apprehended, Ghulam Mohi-ud-din Kara

(brother-in-law and cousin of the then Chief Minister Sadiq and President of the Political Conference) and Abdur Rashid, the agriculture officer —again an unknown figure. The incomplete report did not even mention the common and individual designs and intentions of the four or what matters needed to be probed for which an adjournment to produce a complete *challan* was sought and thereafter repeated. There was no mention of the reasons why the other two persons named in the FIR, Sheikh Rashid and Shafi Qureshi were not arrayed as the accused.

Who was Qadir Bhat, the accused numbered '2' in this incomplete report? It was the duty of the investigating agency to connect him, at least, reasonably. It has been the tradition of the false political litigation initiated immediately after October 1947 to involve some fictitious persons from Uri and Tangdar Tehsils of the erstwhile Baramula district. The rationale has been the close contiguity of these two Tehsils and the consequent attempt to create a link or connection between such politically hostile innocents and Pakistan. In both these border Tehsils, including Poonch and Rajori districts, professional groups of double agents have come up since 1947-48 who work as runners or spies of one or the other country, most of whom are working as agents of both the countries. It may be that Qadir Bhat was one among them but the investigating agency did not get or even dare to fabricate evidence making a feeble link between this character and the other persons.

In August 1964, when the incomplete *challan* was produced, Sardar Niranjan Singh presided over the Special Court. He was succeeded by N.K. Hak, N.K. Ganju, M.K. Tikoo, Mian Jalal-ud-din and finally G.A. Mir who within the compass of a single typed page consigned the eight-year-old file to the records. The file had only one page of the police document while its bulk was constituted on the interlocutory orders recorded for eight years and a few months by six distinguished Judges who succeeded each other. The police assured the Court at each hearing that the orders would be complied with by the next date but that next day never came.

The legal inference may from this conduct of the prosecution be only to the extent that the case against the accused was false, unfounded and even vexatious but the logical inference which the highest court of this world—the people's court has drawn, is engraved on the unwritten pages of history. It has convinced even the ignorant that the investigating agency which worked under the I.B. director adopted all means to hide such realities which, if revealed, would cause more harm than the theft

of the Moi-Muqqadas. This occurence which took place on 27th December, 1963 at Srinagar, had rocked the sub-continent and damaged the Indian position in the world but the exposure of the real conspiracy would damage India's image even more severely.

The ineffective use of authority shown by the six Judges who presided over this Special Court from the 6th of August 1964 till 1972, to compel the police to produce the complete *challan* or at least to ask the public prosecutor to explain reasons for his prayers seeking adjournments, has remained a subject of discussion among the masses. From their behaviour (collectively) it was reasonably gathered by the people that the Judges in Kashmir in such cases are prone to act under dictats.

The half-page order of G.A. Mir on 20th December 1972 might have been a relief to Haji Abdur Rahim Bandi, who only attended the Court on every date of hearing with no proceedings to face, but it has not solved the riddle for the masses. Instead, it added confusion. Had this order contained strictures only in a paragraph against the deliberate withholding of the realities from the process of law, had the learned Judge commented about reasonable inferences only within the compass of a few sentences it could, at least, have exonerated the judicial system and saved its image from being impaired.

The third case about Hazratbal and an important chapter relating to legal history in Jammu & Kashmir is still pending before a Division Bench of the J&K High Court. As stated earlier, the M.A.T. felt that it was its duty to approach the Court of Law in the background of the siege of Hazratbal and found the J&K High Court Bar Association too interested in seeking court intervention. Hence a joint writ petition under Section 103 of the J&K Constitution read with Article 226 of the Constitution of India was filed in the High Court with the following prayers.

a) — By an appropriate writ direction or order including a writ in the nature of *mandamus* respondents (State Govt. of J&K, Union Govt. of India and their officers) be directed to immediately remove the siege of the Hazratbal shrine complex.

b) — By an appropriate writ direction or order including a writ in the nature of *mandamus* respondents be directed to allow the representatives of the petitioners to enter the shrine, meet the

inmates and to carry the food, clothing, medicine and other life supporting articles into the shrine so that the people in the shrine do not die of starvation or otherwise.

c) — By an appropriate writ in the nature of *mandamus* respondents be directed to allow the people in general to offer their prayers at the shrine on 22nd October 1993 and on all subsequent days.

The grounds taken were detailed out in six pages of the writ. However, I sum up their gist for the benefit of my readers.

The state cannot take the life of any person except in accordance with the provisions of law and procedure. By causing starvation deaths of inmates in the shrine, it amounts to the fact that the state is causing the deaths of more than two hundred people by means other than the law and contrary to law.' No one from outside was able to help the inmates by providing them food or medicine or even drinking water, and the army had set up guns and machine-guns in such a manner that no person dared to come out even if he wanted to. In the nights, the flood-lights made even any movements inside the shrine complex full of dangers and risks. It was stated earlier in the petition that even according to the government version, the group of inmates who were confined inside were suspected and not proven criminals. So, the state had no right to take their lives in the manner in which they planning. Further, the government cannot stop the devotees from offering their regular prayers in the mosque, the purpose for which it is exclusively used.

Neither the petitioner nor the public at large had any great expectations from the system which had worked in the state from 1947. However, the petitions were filed more with the aims firstly to channelise the public anger and secondly, to strip the institutions of the largest democracy in the world of its veneer and make it transparent in its reality to the gaze of the eyes of the world — which focused on Hazratbal. But Chief Justice Mathur was prompt enough to constitute a Bench. The petition was fixed the next day and after detailed arguments, Zafar Shah, the counsel for the petitioner was appointed as the Commissioner. He was directed to go to the shrine and submit a report about the internal position of the shrine and details about the inmates. Next day, the Division Bench showed exemplary awareness of the situation and their duties towards the protection of the constitutional guarantees. In this context, they issued contempt notices to officers

who had deliberately disobeyed the court order by deterring the Court Commissioner from discharging duties assigned to him.

The Supreme Court in the Special Leave to Appeal proceedings maintained the impugned order appointing the Commissioner, but instead ordered that Zafar Shah be substituted by a team of Red Cross officials. This part of the order did not disappoint the public, rather it was considered more viable. The very maintenance of the order by the apex court established the logic in the order but the summary treatment given to *rule nisi* notices encouraged the arrogance and unreasonable intransigence of the state administration and its officers.

The High Court of J&K is the creation of the J&K Constitution. Under its provisions it is the Court of Record for the state while the Supreme Court does not figure anywhere in this Constitution. The very instrument of accession on which India relies and rests its case on Kashmir, empowers the Federal Court (Supreme Court of India) to hear cases about only three departments: Defence, Communications and Foreign Affairs. So the people here consider that the subsequent orders or provisions made or enacted about further extension of this jurisdiction lacks sanctions behind them. It is a debatable matter; but in the scheme of things as they are, the students of law here feel that the order of the Supreme Court quashing the contempt notices issued by the State High Court could have been averted as it amounted to jeopardising the honour of the High Court. They contend that instead of quashing of these notices, the Supreme Court could have directed the High Court to do the same but should have allowed the parties to argue before it. The High Court was thus treated as if it were merely a Court of the Magistrate. Secondly, it is argued that the state had challenged the order under which the Commissioner was appointed. The High Court had directed the contemners to show cause as to why it was disobeyed. Whatever the legal niceties, however, the manner in which the rules were dropped, hardened the attitude of the state officers and created doubts in the already shaken minds of Kashmiris.

The government had not so far filed its reply but the arguments made in the Special Leave Petition disclosed their case sufficiently. It challenged the jurisdiction of the Court to entertain this writ as it was out of the scope of judicial review. It further stated that "negotiations could be jeopardised if a Commissioner of the Court enters into the shrine and knows the condition of the holed-up people."

Thus the state demanded that it should not be interfered with even if deaths are caused by its actions.

It has been stated that after this order from the Supreme Court, the State High Court on 29th October 1993 passed an order directing the Trust to supply food to the inmates in the shrine. It is clear that the learned Judges had a complete perspective of the ground realities, realising that the situation was so explosive that it could bring the whole of Kashmir under chaos, hence the judiciary had a role a play, at least to minimise the consequences. No one expected the Court to make the offering of Friday prayers in Hazratbal possible but hoped that some solution on an emergency footing might at least emerge or that the people could realise the helplessness of judicial remedies in Kashmir. The High Court, at least saved a complete erosion in the system but the apex court in New Delhi again did not allow this impact to remain even for a week upon the public mind. Its modifications of the High Court orders appeared obscure, like an ambiguous piece of modern art. There were conflicting interpretations made of it and the Hon'ble Judges of the Supreme Court were themselves conscious of this inherent ambiguity and provided that any explanation of their order could be sought from the High Court. This ambiguity provided a pretext to the authorities to stop food supplies to the inmates and consequently they were forced to fill their stomachs with the 'fallen leaves of the *chinar*'.

Though the military cordon was lifted, the shrine continued under siege and the petition remained undecided before the Court. It was for nine months after the surrender that the sacred shrine remained under the control of the BSF, depriving the devotees of one thousand three hundred and fifty prayers in this mosque. They could not offer the *deedar* of Moi-Muqqadas on the anniversaries of four Caliphs, on *Meeraj-nabi* and on its following Friday. They were refused permission to enter for *Shab Khawni*, *Khatmat*, *Darood*, *Azkar*, *Award*, *Maulood* recitations and the recital of *Kibriyati-Sharif* for thirty-six nights in the intervening Thursdays and Fridays which occurred during this period. Devotees were denied access to the shrine during two important nights of *Shab-i-Barat* and *Shab-i-Qadar*. But the Court at Srinagar did not proceed ahead with the case even to the extent of granting interim relief. A process for confidence building in democratic institutions would have paved the Court's way and people in that case, would have logically preferred constitutional measures. Had the government subtly allowed the Court of Law to order the lifting of B.S.F. bunkers

re-erected after the 17th of November, such a situation would have prepared a ground for a healing political process. But, the powers that be were not interested in subtly building such a congenial atmosphere. It is unfortunate that the strain upon the policies of Delhi rulers has been more burdened by the attitude of defeat and victory rather than working their way to a harmonious solution. They, at critical moments, considered the reasonable and logical resentment of the people of Kashmir as a confrontation and so have been mainly guided to humiliate Kashmiris (whom they call their people) with doses of defeat. But, ultimately, they have defeated their own national interests. It is more unfortunate that the individuals manning the highest democratic institutions have as far as J&K is concerned, always been led by the interests of the ruling party at the Centre rather than in the interests of democratic India.

It has been a practice with Indian politicians and the Indian national press to raise a hue and cry whenever, in some quarters, somewhere in the world their propaganda falls flat and people assess the Kashmir situation realistically. Violent reactions have followed on the reported plan of the Geneva-based organisation of the International Commission of Jurists (I.C.J) which questions the validity of accession too. Commenting editorially on this development, the daily *Pioneer* in its issue of 28th May 1994 under the title "*ICJs Flawed Perception*", advised the I.C.J. to go through the Jammu and Kashmir High Court's elaborate orders during the siege of the Hazratbal shrine. The learned editor should simultaneously advise the I.C.J to go minutely through very elaborate orders and proceedings of the apex court. The learned editor should have simultaneously requested the distinguished members of I.C.J. to go through those thousands of *Habeas Corpus* petitions pending before the High Court of Jammu and Kashmir. In many of such cases the period of detention stipulated in the orders has expired but petitions linger on and the detained rot in jails.

During my efforts to collect material about Hazratbal as well as the grants and acquisition of Moi-Muqqadas, I came to realize that as soon as normal condition prevail, the successors of Anayat Begum and Bulaqi Bandi may make Hazratbal once again the subject of controversial and interesting litigation. It is admitted history that the great- grandfather of the present *Mutwali*, Noor-ud-din Isbhari, had acquired Moi-Muqqadas while the vendor Syed Hamid and his predecessors r etained it as their inherited property. Isbhari's daughter Anayat Begum

purchased Bagh-i-Sadiq including the Ishrata Kada (pleasure house) in it. The orchard was converted into Hazratbal and the latter into a mosque. The mosque, under Mohammadan law, cannot be owned by any individual. Once someone declares his property as a mosque or constructs a mosque it becomes the property of *Umma* (all Muslims) but its management is retained by the owner and his heirs for the benefit of the whole community.

It is also known that after the eclipse of Pathan rule, and after the death of Abul Hassan Bandi, his successors were deprived of the state concessions and privileges. They made the offerings from this shrine their main source of sustenance but the general economic conditions adversely reflected upon the ability of the people to donate or make offerings for religious purposes. In all these circumstances, these successors came under economic compulsions themselves and so could not maintain, repair or renovate this Dargah. Consequently, the real heirs have been removed from the management affairs which have fallen into 'alien hands' — as they assert.

Though the Bandi family is presently not in possession of title-deeds, their existence is part of Kashmir history. It has been established that both the holy relic and the estate of Bagh-i-Sadiq Khan are the acquired properties of their great-grandfather. However, the subsequent deeds which are in their possession are more than sufficient to vindicate their claim. I understand that they are going to challenge the very inclusion of Hazratbal in what is now known as the Muslim Auqaf Trust on various grounds.

Firstly, as said, both the relic and the property on which the shrine is situated have been their acquired property, so neither Sheikh Mohammad Abdullah nor his colleagues who have executed the trust deed could create or extinguish any right or interest upon the property with which they had no valid concern at all.

Secondly, it was in 1735, only thirty-five years after the arrival of Moi-Muqqadas and the conversion of Bagh-i-Sadiq Khan into Hazratbal that the son-in-law of Haji Ishbari and husband of Anayat Begum, Bulaqi Bandi created the Waqf (Trust) for its revenue from offerings and gifts in cash and kind. It was in furtherance of this arrangement, that his grandson Khan Sahib Abdul Hassan Bandi in 1784 executed a deed duly signed, verified and attested by the Governor and other dignitaries recording the arrangement made by the late Bulaqi Bandi.

Citing this background, they argued that no one else could declare subsequent *waqf* of the property which has already been *waqf* property for the last two centuries.

Thirdly, it is argued that the Trustees have either died or their terms have since expired. So, their continuation after the expiry of their terms or nominations made by such Trustees by themselves or of the others including Mohammad Sultan, G.N. Gauhar, Dr. Bandi and others, is considered unauthorised.

Similar and many other grounds taken together will add up (if litigation take place) to a well-argued piece of legal literature.

NOTES

1. The Ranbir Penal Code more or less contains the same or similar provisions as in the Indian Penal Code. The latter is not applicable to Jammu and Kashmir.

2. A brigade of rough and tough gangsters of the city was recruited to curb by muscle power the sympathisers of the people. It was not a regular police force but each gang was paid Rs. 30/- out of which one anna was to be deducted as the revenue stamp charge on pay day. So, the force was nicknamed "Rupees twenty-nine fifteen annas Force". They were further called "Khuftan Faqir" - midnight beggars.

3. "Neither am I a rose nor a green leaf nor a shade tree, I am amazed about why the farmer planted me." Thus he meant to convey that he had no political affiliation and so did not know why he was accused of the murder.

4. The trial of the Hazratbal murder case was held in a barrack in the Central Jail, Srinagar. It is a tradition in Kashmir that the political cases are not tried in the common Courts but always 'in camera' where normal defence is usually denied.

5. "*Wafa-ul-Wafa*" p. 466 Vol 1: Jazabul Qaloob p. 124 and *Taariekh Medina* by Mohammad Abdul Mabood (Urdu) P260

6. *Kashmir key Shab-o-Roz* by Piarey Lal Kaul P.92.

7. At the time of drafting this petition, no one was aware about the number of inmates. Government media claimed the number to be more than a thousand militants and the doctors' team sent inside put it at more than eighty whereas the end of the drama revealed that the total number of inmates including women, children and a deaf pilgrim did not exceed fifty.

CHAPTER VII

THE MIRACLES

> "God desired that the miracles of Mohammad (May God Bless Him) be human and rational though unmatchable by any human or genie".

The Quran itself quoted the miraculous deeds of the prophets who had been assigned with similar duties for different nations at different times. People demanded similar actions from Mohammad, demonstrating the human weakness to expect metaphysical deeds from godly men. It is in this context that the matter is to be considered.

Kashmiris have, in particular, a tradition of belief in supernatural deeds and expect such actions from spiritualists and devoted people. It has a unique history in this respect and even the very formation of Kashmir, said to be cut out of a *Satisar* (a gigantic lake), is attributed to the miracles of Kashyap Rishi. Hence no religious philosophy could develop here unless its preachers were able to perform supernatural deeds.

Thus the people in Kashmir expected similar miracles from the saints of Kashmir and a number of such deeds were believed to have been performed by Sheikh Noor-ud-din, his disciples, his parents and other saints. Similarly, devotees suffering from incurable diseases, childless women, frustrated, unemployed, dejected and poor people — all pinned their hopes for the cure of their ailments and ills on the shrine at Hazratbal. Thousands of miracles are told, narrated and remembered which have direct connections with Hazratbal. I will here describe only those for which I possess authentic reliable records and evidence.

That universally acclaimed, recognised and accepted miracles could take place in public, reflects the sincerity and discipline with which the common masses conducted themselves during the sweeping public reaction of 1963-64 when the Moi-Muqqadas was displaced. The same discipline was the characteristic of the Hazratbal siege of

October 1993. Some relevant instances from the pages of history shall make these discussions more lucid.

Mulla Bahaulla Mattoo (death, 1832), a veteran scholar and poet, records that after the construction of Bagh-i-Sadiq Khan and Ishrati Kada, both remained out of use but gardeners were busy all day and night in its development. The head gardener was a spiritualist and a disciple of Sheikh Baba (Radho Mohammad Chisti). One night, he saw Prophet Mohammad in a dream, rising from the chamber of Ishrati Kada, the fragrance of roses and lilies emanating from him. He enquired about the secret of this dream from his teacher who informed him: "This place, O my disciple, is destined to be the most sacred ...."

Assadulah Kamili, the *Sajada Nasheen* of the shrine of Mirza Akmal-ud-Din Badakhshi at Hawal, records a personal incident. He says that during the first twelve days of *Rabi-ul-Awwal*, he used to attend the morning prayers in the *Dargah* but one day, he arrived a little late. The relic, after display had already been deposited back in its chamber. He felt dejected, but no sooner than he could even shed a tear, the Prophet blessed him with his vision. He said to the amazed man: "You are dejected because you could not see my hair-strand so now have a vision of me."

The incident of the Pathan Governor, Azad Khan, has been narrated also. This is the story of how the Moi-Muqaddas demonstrated its miraculous prowess. The tall, strong Governor tried to snatch it out of its case, but despite his physical might, he failed. In the process, as the Pathan wrestled with it, the strand broke into two pieces. Within forty hours, Azad Khan paid for his temerity. His head was mercilessly severed from his body and he died a painful death. His body was sent to Kabul.

Keen students of Kashmir history must have marked that this Moi-Muqaddas has stood all tests for 294 years. Its presence in the shrine has made it and its adjoining areas immune from fire.

Sir Walter Lawrence in Chapter VIII of his well-documented book "*The Valley of Kashmir*" writes:

"Ravages of fire are chiefly felt in Srinagar where the wood houses and their thatched roofs fall easy prey to the flames and when once a fire has commenced it is very difficult to arrest it .... Twice in the time of Maharaja Ranbir Singh, the greater part of Srinagar was burnt

down, and before his accession the city had been destroyed sixteen times. I have never seen a city so liable to destruction by fire as Srinagar."

It is again helpful to quote in this context the tragedies which have befallen the Jama Masjid of Srinagar constructed by Sultan Sikander in the year 1398. In the Encyclopedia of Kashmir vol: 3, reference to the devastation caused to the Jama Masjid by fire four times since it was constructed are detailed.

The first Muslim centre of religious activity and the hospices of the Suharawardy mystic cult, the Khanqua of Bulbul Sahib has been built and rebuilt after it was gutted several times since its construction in 1322. The first construction was gutted in 1604 and was reconstructed. The present Khanquah was reconstructed in the last decade of the nineteenth century.

Khanquah Moula of the Kubrawi order was constructed in 1394 but was burnt down within a span of hundred years in 1480. The third fire occurred in 1731 and it was immediately rebuilt.

The shrine of Sheikh Noor-ud-din has also been so far gutted twice and rebuilt.

The Khanquah of Sheikul-Alam at Charar has also been ravaged by these fires, especially the devastating fire of 1793. In May 19 again, both the shrine and mosque were burnt

In the history of such rapid and frequent fires, the only sacred place which otherwise was prone to such devastation is Hazratbal, which has never experienced damage due to fire. It has been said that 'Ishrat Kada' which was destined to enshrine the Moi-Sharief remained virtually unattended for more than fifty years from its construction till 1700 when the relic was deposited in it. Since then, upto 1967 when this first shrine was demolished to build the present one, it did not suffer even minor damage due to fire. It has been recorded that even during the Mughal period, devastating fires caused heavy damage to the city of Srinagar several times. During the reign of Alamgir, seven thousand houses in downtown Srinagar, including Jama Masjid and other smaller mosques of Iskandar Pora Nauwhata were burnt in this fire. The Bagh-i-Sadiq Khan was attended by gardeners and guards only. But as the pleasure house has been conferred the honour of being the repository of the relic, the building never catches fire.

During the Pathan, Sikh, and Dogra reigns, the Hazratbal shrine got terribly congested due to haphazard colonisation and it was surrounded by hundreds of hutments till 1945 when such closely built thatch-roofed or timber-roofed houses were demolished and the land acquired for the complex. I, as a nine-year- old boy, have myself seen that thickly congested Hazratbal. Besides, on weekly and yearly festival days, the *pakora* hawkers would raise temporary sheds close to the shrine to prepare *pakoras* and other snacks and so would consume daily about hundred maunds of firewood in these most carelessly erected temporary '*chulas*' (kitchens) and *tandoors.* Forceful winds and cyclones which could ordinarily spread the ambit of these burning flames from hundreds of '*chulas*' around the shrine, somehow could not fan the fires to a dangerous blaze and in spite of all the hazards, the shrine has not been damaged since it was constructed 350 years ago. Why it has been an exception when other shrines and mosques have several times suffered such damages, is a mystifying question.

It has been said that, the Almighty has assured his most obedient servant Mohammad, that "his body is and shall remain hereafter immune to fire". So, as this hair-strand is a part of his body therefore, it is due to its miracle that the Hazratbal shrine too, remained immune from the flames of fire.

It is pertinent here to mention two recent fires caused by mischief during the prevalent upsurge in Kashmir. The College of Oriental Learning situated too close to the shrine, housed a huge library of rare books and manuscripts. This was destroyed by fire in 1991. The government accused militants of this mischief but the people of Hazratbal squarely blamed the security forces for this act. The Governor appointed a Commission of Enquiry consisting of Additional Chief Secretary, Home, M. Rahman whereas the Peoples' Commission was headed by the ex-Chief Justice Mian Jalalud-din and included Human Rights Activist G N. Hagroo, an advocate. The former Commission did not take off at all but the latter squarely indicted the security forces for this 'deliberate' and 'calculated' act.

Similarly, another building very closely adjacent to the shrine was set aflame during the first hours of the siege on 16th October 1993. The state-controlled mass media blamed the militants holed-up in the shrine and held them responsible for the mischief without any enquiry by any other agency. The evacuated population of Dhobi Mohalla (the

locality close to the shrine) stated before the team of Auqaf Trustees that this fire was caused by the BSF to overawe them.

Who committed this mischief in the very lap of the shrine is still a mystery, but the shrine itself remained undamaged, and the miracle is believed to have happened because a part of the Prophet's body had to be protected.

It is universally acclaimed that the highest of miracles of Mohammad are manifested through the Holy Quran and his own perfect personality. The people usually express what they really feel, perceive, see or detect; where human reason fails to provide the convincing cause for an act, they cannot but attribute such events to the miracles of godly men.

It could not be treated as anything less than a miracle that after the construction of the pleasure house, no guest or the owner got an opportunity to stay in it till Shah Jahan was requested in 1645 to formally inaugurate the building. Instead of only enjoying the unique scenic natural beauty, the new building had a metaphysical impact on the emperor who offered optional prayers (*Sulati Nafal*) here. The emperor spent a full summer in Kashmir till October when he enjoyed seeing the beauty of the blossoming saffron fields. There is no record of his visits to Ishrat Kada but circumstances subscribe to the view that if he had any occasion to visit the place, he might have offered prayers here.

It is also not less than a miracle that the construction of Ishrat Kada was designed in such a manner that it was well-suited as a mosque and the repository of Moi-Muqqadas. It had been designed facing both towards the west and the east. This position of its straight direction towards Kaba, suited its conversion into a mosque, otherwise this would have been impossible. It had a hall and chamber which were used for *Namaz* and a chamber for housing the Moi-Muqqadas.

The siege from 15th October 1993 to 6th of August 1994 has been sufficiently described. The impact it left throughout the world cannot be purely a material or a political reaction. We have seen that throughout the world capitals and in all spoken languages of the world, the word 'Hazratbal' became a household phrase. Even the people who have no conception of this unique combination of the abbreviations of an Arabic word with that of Kashmiri felt its sweetness when they, from 18th October, 1993, to 17th October, 1993, specially made it the inalienable

part of their respective lexicons. The miracles of the place have inspired its visitors and miracles of the 'asset' in it have been visualised by the open inner eyes of the real devotees. Mystic circles attribute the threats to the grave of Sheikh Abdullah as a punishment from Hazratbal. When asked why, they reply: "Because he tried to exploit his proximity to this shrine for the political interests of his progeny."

Such sooth-sayers even claim that Maulvi Mohammad Syed though forgiven, was punished by a cruel death for his presumptuous act with the relic in 1942. They attribute the cruel death of Maulana Farooq to a punishment for his mistake in trying to carve out a 'political future' from the goodwill of the Action Committee which was established for the recovery of Moi-Muqqadas. Such people, indifferent to world policies, attribute the cruel assassination of Idries Khan of the siege fame to the warning that:

"*Baa Khuda Dewwano Baashow*
Baa Mohammad Hooshiyar
Thee may be mad with God
But be cautiously
Aware of the respect for Mohammad."

CHAPTER VIII

BEAUTY IN FORM AND SPIRIT

Sadiq Khan, the noble lord of emperor Jahangir, had an exceptional, deeply ingrained appreciation of nature. It is manifest in his choice of the most exquisite spot on the Dal Lake where he constructed his guest-house in the midst of a beautiful rose garden. The name which he gave to his guest- house was Ishrat Kada - "The pleasure house" - which again speaks volumes about his aesthetic sense.

His patrons, the emperor Jahangir and Queen Noor Jahan, had chosen in the same *pargana* called Phykh, two beautiful spots on the slopes of the hills facing the magnificent Dal Lake. Two gardens which were created in these splendid Mughal Gardens have by now acquired universal fame, but when their location is compared with that of Hazratbal, the latter surpasses them in natural beauty, attraction and aesthetics. Both Nishat and Shalimar are blessed with a commanding view of the Dal Lake in the lap of a range of hills. The visitor viewing the scene from the upper terraces of both these gardens rightly feels that the beautiful Dal Lake is itself part of the compound of Hazratbal, and from the view of this lake from Hazratbal, it seems that set in its wide skirt, the shrine is adorned with a treasure of pearls. The setting and rising of the sun seen from the minarets of the shrine is a vision that fills the heart with bliss.

On the east of the Dal Lake, both the gardens of Shalimar and Nishat combine in themselves a splendid synthesis of art with nature but Hazratbal on its western bank embodies in it the perfection of both the gardens. The abundance of nature's generosity and the perfect dexterity of the human hand do make Hazratbal a unique monument of beauty. The interaction of natural beauty with the sanctity of emotion leaves a deep impression unequalled for its profound joy.

The green daffodil leaves open out to lull in them thousands of pearls, the dew drops, every drop reflecting the marble dome of the

shrine. With the change in seasons, the colours of the reflections in the lake have such swift variations that they are beyond description.

In spring the blossoms of the almond, cherry and apricot trees on one side, the red roses and the pink daffodils on the other, and the lush green of the Zabarwan hills, transform the reflection of the shrine in the clean waters of the lake into a multi-coloured rainbow arching across a clear sky. As summer starts, this white monument is fired with a significantly distinguishable colour scheme created by the ripe black mulberry, red cherry and yellow apricot. In the midst of summer, the wide green fields of the floating gardens of the Dal Lake mingle with the greenery of *kail* and *deodar* trees guarding the east of the shrine and the mirror-like water of the three adjoining lakes makes its reflection look like the green dome of the Prophet's shrine at Medina. In autumn, the red leaves of the chinar together with blood-red twilight seem to express the urge of martyrdom to the restless gaze. The winter covers the nudity in human art with the transparent white silken robes of snow. From the heights of Pari Mahal, one can see through the ice slabs of the Dal, hundreds of edifices of ecstasy carved out of glaciers. Immediately after the morning and evening *Azans* thousands of birds of various species perch on the branches. While flying over the Dal Lake and playing with the tumultuous waves, on the delicate rose bushes and in the nests built beneath the roof of the shrine, their myriad tunes harmonize with the music of the recitation in the melody of *Darood* recited by the hundreds of devotees inside. These mornings and evenings leave even a faithless person enchanted and in ecstasy. These tunes and voices vary as the visiting birds come in thousands from other parts of the world. During winter, flocks of Siberian birds spread their soft wings on the icy surface of the Dal, Anachar and Nagin lakes. Here in the corridors of the shrine, the mystics recite with all force the *Zikir*, the name of the Almighty "*Allah-Allah Allah*" ..." There on the dome and around the minarets , pigeons join in the same *Zikir* and seem to recite "*Allaho Allah-Ho...*"

In the lawns, the nightingales kissing the red rose-petals sing in chorus, while there in the Dal, close to the compound, the mystic lover of nature is keenly listening to the *Sufiana* (classical mystic) music. Playing with the fire of the strings of the santoor, the musician in the *Raga* of "*Se Tall Kashmiri*"[1] sings this Persian couplet:

Oh Rose, thee enchant me;
For thee carry the fragrance of my love,

For thy proximity with my beloved Prophet
For thy company with Hazrati-Ali
For thy behaviour like Imam Hassan,
For thy martyrdom like that of Hussain."

In the full moon, the light-house of Hazratbal spreads the beams of its light in the east from Zabarvana to the Hariparbat hillock in the west. The whole surroundings look as if made of pure silver and painted with the restlessness of mercury.

Urdu poets have chosen the theme of "Taj During the Full Moon" and in the same manner, the poets in Kashmir, composing either in Urdu or in Kashmiri or even in Persian, have eulogised the Dal Lake glowing in the light of the full moon. The shrine Hazratbal in the lap of the mirror-like Dal Lake during the full moon night excels both or rather, combines in it the splendour and beauty of both the Taj and the Dal Lake on a full moon night.

A Kashmiri *ghazal* with a particular refrain on the beauty of the Dal Lake during the full moon conveys the intricacies of the mystic appreciation of nature.[2]

During dark, black nights, the shrine becomes more conspicuous in its beauty, when the environment is wrapped under a black blanket and thousands of glow-worms appear like small stars around the dome. So, a unique combination of colours emanate from the darkness.

Throughout the year with all seasonal variations, the *Char Chinar*[3], *Sona Lank*[4] and *Ropa Lank*[5] form a backdrop for the devotee while he after *Namaz* moves around the compound of the shrine. The serenity appeals to the sensitive perception, and assimilates with the bliss of his devotion.

Each changed reflection of this white masterpiece of exquisite craftsmanship in chiselled stone creates innumerable images of magnificence in the mirror of the Dal Lake.

Keen lovers of nature and students of art, whether they see Hazratbal during day or night — from the inner precincts of the shrine or from the Zabarvana, Hariparbat or Shankarcharya peaks or from the lawns of Pari Mahal during summer or during the coldest winter days or even from an aeroplane — is bound to exclaim with joy: "What a wonder among wonders!".

NOTES

1. Kashmiri mystic music has a peculiarity. It is again a synthesis of Hindustani classical music and Irani Sofiana (Classical). Sultan Yousuf Shah Chak (16th century) and his poetess queen Haba Khatoon have specified these Ragas which are locally called Muquam and are played and recited with a specific time scheme. 'Se Tall' is one of the Muquams.

2. The ghazal is usually relayed by Radio Kashmir and has "Zoone Pa'Chhi Saili Dal Jaan" as its refrain.

3. 3, 4, 5-smaller islands in the Dal Lake. Char Chinar is a spot amidst the lake with four sprawling chinars. The other two are the 'golden' and 'silver' islands.

CHAPTER IX

THE SHRINE—ITS ARCHITECTURAL FACETS

The name 'Hazratbal' consists of two words "Hazrat" and "Bal". The first is an Arabic word and the second pure Kashmiri. Though there is historical proof that a mosque was constructed in Srinagar during the reign of Harsh Deva, the first ever edifice for Muslim devotional practices constructed by the first Muslim ruler of Kashmir was for the first known Muslim missionary in Kashmir. It is called Khanquahi Bulbul Sahib between the 5th and 6th bridges on the river Jhelum and is called the Bulbul Lanker, named after Syed Abdur Rehman alias Bulbul Shah. Sultan Sadrud-din who got it constructed for his master was originally a Buddhist from Ladakh. So, he adopted the design and architecture of Buddhist monasteries.

It is Mir Syed Ali Hamdani who consolidated as a disciplined revolutionary, the efforts of the missions which worked to attain a single goal. His great son, Syed Mohammad strictly followed in the foot-steps of his father. The elder Syed was a revolutionary missionary with a unique ability to understand the popular psyche. He, while transforming Kashmir's shattered Hindu society into a disciplined Muslim set-up, tried to bring local cultural traits under Islamic influences rather than to change them. He, therefore, retained indigenous traditions. He purchased the site of the present Khanquah in between the 3rd and 4th bridges and Mir Mohammad constructed the Khanquah on it. He followed the line of action of his father and retained the architecture of Khanquahi Bulbul Shah in the construction of the new hospices so that neither did the locals feel injured nor were the devotees of Bulbul Sahib annoyed. He saw to it that no dissension could arise in the ranks of newly-converted Muslim pockets. Thereafter all the Khanquahs were constructed in the same pattern and according to that very architectural design. In accordance with Muslim architects, these Khanquahs do not have the round domes but on the other hand,

have raised rectangular silver-coated canopies. They are mainly constructed of timber.

On the other hand, the architectural design of Jama Masjid of Srinagar and other Jama Masjids is quite different but their pinnacles are similar to that of Khanquahi Moulla. Thus, while it retains some Buddhist influence, on all other scores it has more or less the same architectural lay-out as that of other Jama Masjids in the north of the sub-continent.

The first ever shrine of Hazratbal was neither in the design of the Kashmir Khanquah nor the design of grand mosques. Originally (as repeatedly said) it was not designed to be a mosque though it was destined to be one. It was a guest-house constructed for royal guests but its destiny chose another course for it. Nature had itself designed it in the pattern of a house of meditation and its first impact on Shah Jahan was spiritualistic. On the one side it faced the west direction of Kaba, but originally, the Imam's pulpit was not carved out. Inside the Khanquah, the hall is again rectangular whereas the assembly hall of Masjidi Aqsa is round. This hall is decorated with uniquely designed walnut wood to which lustre has been added by spirit polish. Each *chinar* leaf and each rose petal carved on these wood planks reflect clearly the dazzling light of glass chandeliers, which can at a time illuminate the hall with one thousand electric bulbs. From the western wall, a pulpit for the Imam is part of the same design and above this, is a projected pentagular verandah made of walnut wood. Each wooden post and plank fitted in, is a masterpiece of Kashmiri craftsmanship.

The verses of the Quran have been engraved upon the dome in calligraphy designed in such a way that each verse looks like a bunch of hyacinths.

The entry in the Encyclopedia of Kashmiriyaat sums up the architectural designs of the demolished Khanquah and of the present edifice of devotion. A brief summing up:

It says that the shrine first constructed as a pleasure house was a synthesis of Mughul and Kashmiri architecture and as such was a unique specimen of these two influences. It consisted of three storeys and seven windows in each storey on all sides. It had in particular the Kashmiri design of five roofs projectng downwards on all the four sides. All the five roofs had self-designed wooden projections and on four

corners of the first roof were four wooden designed and carved decoration pieces. On the front side, the hospices had in all fourteen windows, each window frame contained four windows, each of which was designed like a pulpit which formed ventilators. The windows and ventilators had glass-panes. The walls were all decorated with bracket curtains. The distinction in the said Khanquah was that its exterior and interior walls were designed in such masonry that eachwall looked like a flower terrace. In between those designed flower beds, small pieces of mirrors were filled in skilfully. Its other distinguishable feature was that during the chilly cold it would remain comparatively warmer and in the hot season it would be pleasant to meditate inside.

In 1968, the Auqafi Islamia under the guidance of Shiekh Abdullah demolished the said Khanquah constructed in 1623. The present hospice is wholly constructed of white marble. The design of the Prophet's mosque of Medina was greatly followed. In the same design, the tall pinnacle is raised in the close vicinity of the white marble dome. The distinction lies in that the pinnacles of the Prophet's mosque at Medina are not uniform in diameter whereas this pinnacle has uniformity from top to bottom.

Like the dome of the mosque of the Aqsa, its dome is round- shaped at the top but based on a rectangular plinth. Towards the east facing the Dal Lake it is double storeyed whereas towards the west it has a single storey only. The windows and veranda frames are all designed out of white marble with particular Muslim feature of architecture.

CHAPTER X

IN CHRONICLES AND OTHER DOCUMENTS

Waqati Kashmir by Dedmari and *Gauhari-Alam* by Haji Manami have interesting references to Hazratbal. The first was a contemporary historian who as a boy had actually witnessed the arrival of the relic. The second has based his account on information from his elders who had participated in its reception. Apart from the important *Taariekh Hasan* in between, many more outstanding histories have been written which cannot be ignored. However, they have either followed Mirza Qalandar Beg's *Hujjati Qasira* or *Waqati Kashmir* of Dedmari or both together but without reconciliation or pointing out the variations. Some of the historians have made certain additions or deletions without assigning reasons for doing so or without quoting their sources. It is not worthwhile to sacrifice these details in the cause of brevity as this is a comprehensive treatise on Hazratbal. G.R. Bhat has quoted extracts from a history of Kashmir written in Hindi. Neither is the author known nor has Bhat been able to find out the date or era of its authorship. I have no personal access to the manuscript but from translated excerpts from Bhat's book it can be made out that this history must have been authored by some Kashmiri non-Muslim during the Sikh rule and the author must have been himself a devotee of Hazratbal.

The relevant extract is :-

"Faazil Khan took charge as the Governor of Kashmir and put an end to the misrule and oppression. He worked for the comfort of his subjects. During his rule, there was one Noor-ud-din, a trader living near Gupta Ganga in a village called Isbhar. Faazil Khan sent him for trade to the Deccan. On his return he reached Bejapur and near about that period, some Muslims had brought the hair-strand of Prophet Mohammad from Arabia which the Muslims call Moi-Sharief. Then the said Khwaja Noor-ud-din sent the Arabs in the company of his employees alongwith the relic to Kashmir, spending a heavy sum. The

Khwaja, himself went to the court of Alamgir and sought his audience. He stayed a few days but died there. The emperor arranged the carriage of his dead body to Kashmir and en route, the carriers of the dead body joined the caravan carrying the holy relic. On the arrival of the relic in Kashmir, the Kashmiris celebrated with great festivities and the Governor Faazil Khan, also received it with State honours. The box which contained the relic was carried upon the heads of thousands of people and with the same fervour, the Muslims of Kashmir deposited it at Hazratbal, celebrating the occasion."

This history deviates from the earlier record in the following aspects.

According to it, Khwaja Noor-ud-din had been deputed by Faazil Khan whereas earlier reports say that he already had a flourishing business in India. It says that he met the Arabs who had brought the relic at that time from Arabia and deputed them along with the relic to Kashmir. The earlier record discloses that the 'Arabs' who had brought the relic had already settled in Bejapur and later on were compelled by circumstances to part with this sacred treasure.

The author must have based his account on the information received from the elders of his community who must have inferred that the slave Maydanish "who was in charge of this relic with Syed Abdulla and accompanied it to Kashmir, was the real possessor of the sacred relic". This author has omitted the reference of Khanquahi Naqashbandi and of Bagh-i-Sadiq Khan and only mentions that the relic was kept at Hazratbal. Khwaja Noor-ud-din after sending the Arab and his employees to Kashmiri, himself visited the court of Alamgir. This is a clear deviation from earlier records for which the author does not quote any source.

Another distinguished scholar and anthologist, Shiekh Abdul Wahabi Noori (death: 1186 or 1773 AD) has written a treatise specially about the Kubrawi mystic order and its leading saints. This book has historical value. Though the author's date of birth is unknown, it is certain that the book was written in 1750. The author therefore, had either been born in 1700 (when the relic arrived) or must have been born immediately thereafter. Either way, he must have heard details of the arrival of Moi-Muqqadas from his father, teacher, spiritual guide and senior schoolmates. But, unfortunately, he has not made any specific mention of that part of the story. However he has quoted only the

personal experience of Furhad Beg who was also a disciple of Mirza Akmal Badakhshi. He claims that Furhad narrated the incident himself to the author which has been quoted earlier, discussing the authenticity of the relic.

Near about 1880, a distinguished scholar from Srinagar, Mohd. Khalil Mirjan Puri, wrote a history of Kashmir upto the rule of Dogra Maharaja Ranbir Singh and the relevant portion reads as follows:-

"It was before the rule of Governor Faazil Khan that the descendant of lords and a perfect gentleman, the leading trader Khwaja Noor-ud-din of Ishbari "went to the Deccan for trade. As he reached Bejapur he acquired the Moi-Muqaddas in exchange for a huge sum of money. In connection with the necessary arrangements he sought an audience with the emperor, but then he died a natural death there. Thereafter, alongwith his dead body, the relic was brought to Kashmir."

Thereafter, he gives detailed and vivid descriptions of the procession of people which received the relic at Herapur and followed it till it was first displayed at Khanquahi Naqashbandi at Srinagar. This account omits the part of the story given by Qalandar Baeg about the order to keep the relic at Ajmer and about the ban on carrying it to Srinagar. Instead Mirjanpuri states that Khwaja Ishbari sought the audience of the emperor and died (as the royal guest) a natural death. Here he follows the contents of the Hindu history of Kashmir.

Earlier than this history, Saidullah of Shahbad, Kashmir versified the important historical events in Persian up to the end of the 18th century. He has also versified the tragic end of Pathan Governor Azad Khan in 1199 AH (1784 AD), concluding the episode by saying that the head of Azad Khan was severed from his body with such vengeance because he had caused the disfiguration of Moi-Sharief and committed its sacrilege.

Mulla Ghulam Nabi Khanyari in his *Taariekh Kashmir*, completed during the reign of Maharaja Partab Singh a century ago, writes more precisely:

"After much endeavour Haji Noor-ud-din of Ishbar acquired from Syed of Bejapur the holy relic of the Prophet and started a journey to his motherland but died en route. His son-in-law Khwaja Bulaqi Bandi, alongwith the inhabitants of the city went ahead to receive both the relic and the body of the Ishbari and brought it to Srinagar where

they put it in Bagh-i-Sadiq Khan and the state allotted the Jagir of three villages to Aasari Sharief as it was immediately called."

However, this author has been too brief and has, without any reason, deleted most relevant details. His account leaves the impression that the relic was directly brought to the present shrine complex which is against the views of most other chronicles and is also in contradiction to contemporary records.

Another important history written in 3 volumes during the reign of the Dogra ruler Partab Singh and partly published, is called *Taariekh-i-Kabir* and its author is Haji Mohidin Miskeen of Sarai Balla. He has given a detailed account and like his contemporary, Peer Hassan, omits to quote reasons why he deviated, in certain details, from contemporary records. He has not quoted his sources and mainly bases his account on the deep-rooted tradition which was in vogue from the days gone by. Opening his account, he says:

"About the holy relic it is commonly stated ......"

Thus these opening lines define his source which is the prevalent and deep-rooted traditions. The chronicles of kings mostly omit the vital information regarding cultural history and the economic situation of the concerned eras.

This history also states that the relic had passed into the custody of Syed Abdulla who was the manager of the shrine of the Prophet and a respectable personality of Medina. He became the target of the Sultan's anger and was forced to migrate and so in 1044 AH, settled on Indian soil. The Sultan of Turkey confiscated his assets but he was able to carry with him three precious treasures which included the hair-strand of the Prophet, his turban and the saddle of Ali's horse. Emperor Shah Jahan showered favours on him and allotted a Jagir to him in the state of Bejapur. The said Syed developed a deep intimacy with Prince Dara Shikoh which invited the wrath of Aurangzeb who ascended the throne in Delhi. To regain lost prestige, Syed Abdulla had to fight his case in Delhi but during the intervening period he faced an economic crisis and had to borrow huge sums. During that period, Khwaja Noor-ud-din-Ishbara in Kashmir, who had a wide trade network in Urdu Bazar, Delhi advanced huge sums on a credit basis to Syed. Finally to liquidate the debt, Syed transferred the care and custody of the holy relic (Moi-Muqqadas) along with the slave Maydanish to Khwaja of Ishbar.

While carrying this precious asset to Kashmir, the Khwaja's, caravan was intercepted by the intelligence agency of the emperor. He directed that it should be kept only in the territory of his domain and so should be kept in Ajmer. The disgusted Khwaja consequently died. The relic was kept for nine days in the shrine of Moin-ud-din Chisti at Ajmer and on the ninth day the emperor was informed in a dream by the Prophet to send the holy relic to Kashmir immediately. Alamgir, in the morning, issued a royal decree accordingly and sent his men for Khwaja of Isbhar. The slave Maydanish reported the death of the Khwaja in the royal court and the king ordered the carriage of the relic with due dignity to Kashmir and ordered that the dead body of the Khwaja should be carried alongwith it and should be buried in accordance with his last wishes.

This account deviates from contemporary historical material as well as from the contents of the poem "*Hujjati Qasira*" written by Mirza Qalandar Baeg after only three months of the arrival of the relic.

The contemporary record shows that Syed Abdulla became the favourite of the local ruler of Bejapur and was deprived of this privilege when Alamgir conquered Bejapur as all the courtiers and jagirdars of the Nawab must have been disqualified. Here the statement in *Taariekhi Kabir* is not only against the available contemporary records but against history, because Bejapur was not under direct Mughal rule before Aurangzeb conquered it.

This account also states that the Mughal rulers did not consider Kashmir a part of Mughal India.

Sir Walter Lawrence in his book *"Valley Of Kashmir"* has with deeper insight probed into the cultural history of Kashmir and writes about Hazratbal in glowing terms.

"The shrine of Hazratbal is beautifully situated on the shores of the Dal Lake, and a great fair is held there at the beginning of March to which thousands resort from all the parts of the valley, bringing with them the flags of all the saints....Syed Abdulla sold the hair to a merchant, Nur Din for one lakh of rupees and Nur Din exhibited it.... Four other shrines also boast that they possess a hair of the Prophet ....But the villagers all go to Hazratbal."

Besides narrating the facts about the arrival of Moi-Muqqadas, Lawrence gives a vivid description of the congregation of devotees on

the day of the *Urs* (fair) which shows that this shrine was at the end of the last century, the main centre of religious activity in Kashmir. However, the assertion that Noor-ud-din Ishbari acquired the relic in exchange for one lakh of rupees has no authenticity as no earlier record makes mention of any exact amount paid or received in lieu of this priceless treasure.

Dr. G.M. Din Sufi is the first historian who after labouring for a few decades, wrote the history of Kashmir in English in two volumes with a scientific approach and modern technique. He has based his accounts on important chronicles and archaeological study, and after probing deeper into tradition, legend, folk forms and the poetry of Kashmir. He has also given an account of Hazratbal but based almost, on the same facts. He has mentioned that the Nawab of Dacca, who was originally a Kashmiri had constructed a *hamam* here.

Pandit P.N.K. Bamzai, in his history of Kashmir, has specifically described the architectural design of the shrine.

Dr. M. Ishaque, head of the post-graduate department of History in Kashmir University has also based his account in "*History Of Srinagar*" about Hazratbal on the same record.

A photograph came into my possession while I was completing the present book. It shows Haji Noor-ud-Din Ishbari standing alongwith other courtiers in the court of Emperor Alamgir. It is a viable touchstone on which facts narrated in the various chronicles can be examined. However, the discussions and printing of this photograph have to be left to a future occasion.

CHAPTER XI

IN POETRY

The shrine is a pivotal theme of a considerable part of didactic poetry in two ways. Firstly, like Medina it has become a distinct topic for *Naat* written in Kashmir in local or Persian languages. Secondly, it has become a symbol for mystic poets and a unique setting for the lovers of romantic poetry. *Naat* differs both from mystic and romantic poetry, particularly in form. Both in the mystic *ghazal* or the romantic *watsun* (lyric), the poet takes liberties with words, phrases, similes, symbols and frame of ideas but in *Naat* he has to maintain discipline in thought and has to be most selective in the use of phraseology, similes and symbols. It is required to have some basic knowledge of *Naat*.

Qasida, the panegyric, was the dominant and forceful form of Arabic poetry at its zenith even before the birth of Prophet Mohammad (PBUH). The seven *Qasidas* called *Saba Moalaqat*'', the cream of Arabic literature, were all composed before the advent of Islam. Arabian creativity mainly revolved around *Qasida*. The tribal society remains engaged in wars and battles. The poets would, to encourage warriors of their particular tribe, praise the bravery and courage of the youth of that tribe. Simultaneously, it would criticise the adversary with deeper sarcasm and satire. Dr. Nicholson in his literary *History of Arabia* explains the vigour, impact and effect of such verses.

> "These unwritten words flew across the desert
> faster than arrows and came home to
> the heart and bosom of those who heard
> them.''

As soon as Mohammad declared his prophethood, the pagans of Mecca put him to all troubles, oppression and terror and so unleashed a campaign of vilification against him. The poetry was also diverted

to that unholy direction and became a base tool to malign his truthful claims. With the deeper understanding of the message of Allah and the mission of this apostle, the intelligent people understood and praised the mission and the missionary. At this stage, the genre of the panegyric too underwent the process of conversion. Hissan Bin Saabit composed a *Qasida* in praise of the Prophet which laid the basis of a new trend in the poetic form which was free from exaggeration and other innovations. The praise conveyed a truthful rendering of facts but through the medium of the appropriate use of phrases, similes, metaphors or symbols. It contained the vivid physical description of his beauty, the unique essence of his behaviour and his perfection as a human being. In the process, the *Qasida* eulogising the Prophet became specifically the *Naat-i-Rasool.*

The war of Qadisiya[1] which, for ever, closed the chapter of the Parsi monarchy simultaneously made the land of fire-worshippers the first centre of Islamic activity in non-Arab countries which Arabians call Ajam. Their local language, Pehlvi, in its interaction with Arabic gave birth to a new language, Farsi or Persian. This language assimilated in it various poetic genres of the Arabic language which included the *Qasida* also.

The *Qasida* consisted of three stages and the main stage is called *Tashbeeb* which usually depicted the beauty in the surroundings, of gardens, rivers, streams, hills, countryside, desert and also described the physical beauty of men and women. It is this part of *Qasdia*, the *Tashbeeb*, which delivered from its womb the famous, gripping, dominating and rich form of poetry, the *ghazal*. Amir Khusro[2] and Abdur Rehman Jami[3] from India and Central Asia respectively, extensively used this genre for the praise of the Prophet, for the expression of sincerity of love for him and to convey the pangs of separation from his benign patronage and august abode, as well as give vent to the nourished hope of being blessed by his mercy, here and hereafter. It is thus the '*Naati Nabi*' which in Arab had worn the dress of the mighty *Qasida* lulled in Ajam, in the silken cradle of the soft metaphor-filled *ghazal*.

Islam entered Kashmir through Central Asia by the sincere efforts of Iranian saints and missionaries. Countless scholars, seers, poets, authors and spiritualists entered Kashmir from Persian-speaking countries. The most effective personality which revolutionised Kashmiri culture is of Mir Syed Ali Hamdani who was a scholar of repute. His forty *ghazals* composed at a single time but at forty different places, and

with forty disciples in a single collection, are called "*Chihil Asraar*"—The Forty Secrets. Each poem is replete with the desire for union, the pathos of separation and high praise of the "beloved" described and hinted at in these compositions as none other than Mohammad. The phrases and idioms used also corroborate this contention. Nowhere does the name of Mohammad exist in all these *ghazals* but facets of his multi-dimensional personality are mirrored by every metaphor, simile, idiom, reference, phrase and symbol used. Hence all these *ghazals* are qualified and revered as *Naat*. Under this influence, the composition of *Naat* for all devotees gifted with the power of such expression, became the easy tool to convey the intricacies of their love for Mohammad. Following this tradition, Shiekh Noor-ud-din laid the foundation for Kashmiri *Naat* with all the qualities of simplicity in expression, complications of sensibility, sincerity of purpose, chastity of thought and perfection in devotion and dedication. Side by side, Persian poets from Kashmir added a chapter of glamour to the Persian *Naat*.

My theme is confined to highlighting the Hazratbal in Kashmir's verse but to help the curious reader grasp the background with which it entered into our creativity, the evolution, essence and distinction of *Naat* needs to be explained. Though to meet such a requirement, volumes are required, I will touch on certain aspects.

The *Naat*, Persian or Kashmiri, both convey the urge, desire and aspiration of its composer to be blessed with a vision of the Prophet's sun-like face-*Rooyi Wadh-duuha*. Many only aspired to see with their eyes the city which had provided its lap as the abode for that 'most loved and revered of the creator and the created'. The poor devotees from the far-flung areas, in view of their inability even to reach Hazratbal, through the medium of their *Naat*, conveyed their cherished desires to see with their eyes the *Moi-Wal-Lyl*, the own Night- Like Hair-strand, emerging with all dignity out of its chamber in Hazratbal. Though we have instances of such lovers who travelled on foot from the hill areas of Kashmir upto Medina, there were many others who for many reasons could not even reach Hazratbal. Abdul Ahad Azad[3] in his literary *History of Kashmir* quotes an incident about one famous Kashmiri poet, Waliullah Mattoo from Wuhangam village of the backward Tehsil of Beerwa. From the pulpit of Jamia Masjid, Srinagar he heard the renowned Mirwaiz Ahmadullah reciting the first verse of a *Naat* of Jami and was so

inspired that he immediately left on foot for Arabia where he ultimately died in the land of his beloved and was buried there. This strain on the minds of all poets made the Kashmiri *Naat* rich in devotional content.

As this holy relic reached Kashmir, poets composed poems specially euologising the hair of the beloved Prophet.

Waliullah Mattoo, Qalandar Baeg, Abeed[5], Taayib[6] of Baramulla, Maulana Abdur Rasool Khanquahi of Charar-i-Sharief, Ghulam Rasool Shiva[8] and Jayyad Kashmiri of Gamro Bandipura[9], Syed Hussain Qadri[10] of Srinagar, Daraab Kashmiri[11] and a host of others praised Hazratbal or Moi-Muqqadas in Persian verse.

"Oh! my beloved, the Prophet of Arab origin,
Thine single hair-strand comes to rescue,
To the needy at his hour of need,
About its year of arrival the angel said:
"Kashmir became Medina by the hair-strand."

Abeed has a full Persian poem praising this single hair- strand to his credit which opens:

"We sacrifice our soul and heart
For this single hair-strand
Both the universes are inferior in value
To a single hair-strand of thee
Kashmir has become the second Medina
With a single glimpse of thy hair-strand."

Naushahari[12] has a less, rather insignificant contribution to Kashmiri literature whereas his contribution to Persian literature is very considerable. The only lyric which has attributes of the *Naat* of Mirza Akmal[13] is extant. However his Persian *Masnavi Baharul Arfan* consists of as many as a lakh of verses.

Parallel to the Persian *Naat* developed and grew the Kashmiri *Naat* with strains of a similar nature. The poet through simple but chaste local metaphors conveys his urge and desire to be at the threshold, close to his beloved in Medina or at least in the beautifully located compound of the second Medina—Hazratbal.

Faakhir,[14] Qutub Miskeen,[15] Mehmood Gami,[16] Naazim,[17] Abdul Ahad Nadim[18], Peer Mohammad, Maqbool, Kralawari,[19] Sanaullah

Kreri[20], Aashiq Traeli, Ghulam Jeelani[21], the late Dina Nath Nadim,[22] and dozens of other poets convey the sensibility of their love for the Prophet through the theme of Hazratbal.

Besides the *Naat*, Kashmiri poetry is otherwise replete with references to this rendezvous of the spirit and mind. Akram Dard Mand (Daidlad)[24] makes the dejected, frustrated and desperate hero of his fictional work, *Mehro-Mah*, the prince Mehar, sing a *ghazal*. In one verse he voices his desire to reach Hazratbal :-

"Oh, my companions, the men of taste,
All have proceeded to Hazratbal
Let me also go to that destination
To pay my homage to my master."

Samad Mir[24] in a verse conveys the emotion of the countryside devotees:

"Seekers, earnestly seek
From the main window of the Dargah, but
Only the luckiest are able
To attain such glory."

Another mystic contemporary of this poet, Abdul Ahad Zarger[25] sums up the desires of the devotees of Hazratbal in his various verses.

G.A. Mehjoor[26], harbinger of the literary revolution in Kashmir wishes to get himself transformed into a daffodil on the Dal Lake so that he is able to see a vision of his beloved at Hazratbal who has come in a house-boat (*Donga*) to pay homage at the shrine, but has, out of utmost respect ferried the boat to Nala Tel Bal[27]. The verse reads:

"I have just heard that my beloved
Has planned to spend the night of meditation[28],

Near Tel Bal
I would transform myself into a daffodil
And so snatch his vision."

In another lyric he says:-
"The lovers crave to go to Medina,
But (we) the disabled,
Come for thy love,
To thy door at Hazratbal."

In *Kuliyati Mehjoor*,[29] a poem consisting of five hundred verses entitled *Ahdo-Paimani Hazratbal*, the mystique of Hazratbal has also been evoked. In this poem, Mehjoor versifies how Sheikh Abdullah educated his people about the right of self-determination and explained that principle in relation to the freedom struggle and the Independence of Indonesia. The general masses for the first time heard the name of that great country and were astonished to learn, for the first time, that neither Pakistan nor Saudia Arabia nor Iran, nor Turkey but Indonesia was the biggest Muslim state.

At the end the poet narrates with flow, chastity of language and sincerity in thought, the promise which the Sheikh made to his people against the background of this holy shrine on the most sacred occasion in a mammoth public gathering. He promises to lead them to the achievement of the right of self-determination. He explained that only through a referendum could this right be exercised. Another lesser known contemporary of Mehjoor, a traditionalist but a mystic and freedom fighter, Abdul Aziz Behrari[30] expressed some mystic experiences through the symbol of Hazratbal. In a traditional lyric he says:

"In its lap, spring lulls Kashmir,[31]
The gardens are in full bloom,
The flowers are in ovation,
Boatmen enjoy in merriment,
The surroundings of Dal.

From Khwaja-Yarbal,[32]
I salute the people crossing the ocean,
To reach the destination,
The lilies and daffodils offer *Darood*,
Oh our lord, the resident of Dargah,
Accept our salutation."

Our contempararies, too, convey through the symbol of Khwaja Yarbal[33] their devotion to the Dargah. Shafi Shaida[34] says:

Through the ferrying entrance
of Khwaja-Yarbal.
To facilitate at Hazratbal
His glimpse—so that the flames of that fire,
are extinguished which have engulfed us
Due to treacheries of cheats."[35]

Ghulam Mohammad Lone (1868-1935) expresses his devotion through the voices of the seven rivers of Kashmir to narrate their origin, the urge to find their confluence and the charm of their experience of mingling together in a grand union of their waters. He eulogises the seven famous shrines of Kashmir in relation to the seven famous water sources and at the outset gives a vivid description of Hazratbal.

The Harmokh range of mountains forms the eastern background to Hazratbal. Zabarvan hill is a link in this chain of hills, and on the top of Harmokh are two springs, the two sources of the rivers Taarsar and Maarsar. They descend from the high peaks and cascade into the Dal Lake near Tel Bal. Describing their long journey this poet says:

"The two companions travelled the zigzag paths
Like snakes and dragons,
Sneaked into a single hole,
All the three sovereign heads,
The two kings, Taarsar and Maarsar
In the company of emperor Dal,
Prostrated, bowed their heads and necks
In reverence, with humility before Dargah."[36]

Thereafter, they offer prayers and attain the miracle of prosperity, distribute their assimilated unity in the canal system and bring the green revolution to the whole of Kashmir.

The contemporary poet, whether expressing his progressive psyche or following tradition or working under the strain of modern complexities, all convey their experiences through their particular frames of mind but use the *Dargah* Hazratbal or its surroundings as a symbol or metaphor in their verses. One *Naat* composed by this author and usually recited from the Hazratbal pulpit since 1976 opens as:-

"My soul and mind,
The sighs I heave in early mornings,
The tears in my eyes,
The sense of vision,
—All deserve to be sacrificed
For thy Night-like Hair."

Another verse from the same *Naat* is:
Before this exalted *Dargah* bow in obeisance

The emperors of Rome and China,
The shining sun and the full moon
Day and night,
Circumambulate around it.

Another contemporary poet, Ali Shaida, says:

"The Goddess of wind doth bow,[37]
Towards Hazratbal,
I seek thy succour, my love.
My boat is sinking."

Hazratbal is also a recurring image in folk verse. Kashmir is one of the richest languages with so many facets that a researcher on the socio-economic or cultural history of Kashmir can safely rely on this important source though he must be discerning enough to understand the nuances. It has one more speciality in that it even conveys the complexities of mysticisim in the common idiom and simple language. The popularity of Hazratbal has dominated all its shades. *Wanwon* has an abundance of it and forms the dominant trend in our folk verse.

Wanwon literally means conveying through verse the emotions of a bride, expressed subtly and appropriately by women who sing in circles the marriage verses, which also communicate the feelings of the groom and the parents of the bridal pair. Its ambit has since widened and it is now composed impromptu. It surpasses other forms in lyricism and ideas. The *Wanwon* specifies a different set of verses connected with each ceremony of marriage. Hazratbal is almost always present in every marriage ritual.

Abdul Ahad Azad has for the first time recorded many such verses after considerable research for his book, which sufficiently conveys the phases of socio-economic evolution. Hundreds of verses contain references to *Dargahi* Hazratbal:

I devour and endeavour for thy glimpse,
Oh my friend
To make thy beauty shine more.

I will bring water only from Hazratbal[38]
The abode of my love is on the shores of the ocean,
Beneath its projected and carved-out verandah,

Enchants the muse of love [39]

Let us rush to Hazratbal,
Enthralls my inner muse,
Let us have there the glimpse of our lord,
Enthralls my inner muse.
We shall recover from all the ailments
With his single glimpse.[40]

My love has snatched my heart,
The *chinar* shade of the Prophet's shrine
Soothes my exhausted mind.[41]

On the day of the marriage, after a bath, the groom is dressed in a rich costume. Wearing a turban, he is taken on horse-back to the nearby shrine. The women in two circles sing these verses of *Wanwon* in melodious voices and walk to the tune of the music, following the decorated horse. They say:

"Oh, our young groom,[42]
Thy golden turban tilts towards the right
Thee seem to be eager to proceed to Hazratbal."

Wora, a temporary kitchen, is raised in the open space for cooking maunds of rice and mutton. The women continue to sing many verses. In one they ask the mason:

"Oh, artisan, construct the hundred-ovened *Wora* with at least seven ovens and specially dedicate it to Hazratbal."

The groom rides his horse to his bride's home followed by a procession and the women sing:

"...Pay thy homage at Hazratbal...."

There are references to Hazratbal in each and every ceremony, whether it is *Henna Bandi*, the dressing of the bride's hair or her departure for her husband's house. The shrine is also connected with the custom of shaving the head of a child for the first time after his birth or at the circumcision or at other ceremonies.

Another folk form is '*Ladi Shah*'. It is a very effective and strong tool used by the illiterate masses to convey political suffocation and also devastation caused by natural calamities like floods, famines, earthquakes etc. The singer has a special orchestra of iron-rods with iron strings which he plays with his right palm to create unique music. Here too, Hazratbal dominates.

One verse depicts a scene at Lal Chowk during the movement for the recovery of the holy relic:

"Lal Chowk wore a
Neat and white shroud,
Lakhs were wrapped in a single sheet of the coffin
Why should not all be buried,
The soul of Kashmir has been removed".

Two other longer poems composed by Syed Jalaluddin Andrabi of Ratinipora (birth, 1935) and Waiz Manzoor of Tilwani Kulgam (death, 1982) need detailed discussions. The first contains the vivid and accurate description of the daily phases of the Moi-Muqqadas agitation. The second describes the reconstruction of Hazratbal, the enthusiasm of the people during the seventies while doing this work and as an introduction, gives the Kashmiri rendering of the history of Moi-Muqqadas. This part of the book is based on *Hujjati Qasira* of Mirza Qalandar Baeg.

Indrabi comes from a family of poets. His elder brothers, Mohiuddin Nawaz and Sharef-ud-din Parwaz have acquired fame for mystic expression and humour respectively. But Indrabi-Aasim (pen name) has probably composed only this poem in which he has, with honesty and without exasperation, conveyed the anger of the people against the mischief. This poem can prove a pointer towards understanding the causes of the alienation of the people of Kashmir from India.

The poem of Waiz Manzoor is the documentation of the sentimental attachment of the people of Kashmir with Hazratbal and in that background highlights the role of Sheikh Mohammad Abdullah. But at places he has sacrificed accuracy.

NOTES

1. Qadisiya : The place where Arabs and Iranians fought during the Caliphat of Umar the Great which brought Iran within the fold of the Muslim fraternity.
2. Amir Khusro : Renowned Persian poet from India (1365-1448).
3. Abdur Rahman Jami : (1530-1610) : Famous Persian poet and mystic.

3A. Abdul Ahad Azad's "Kashmiri Zaban Aur Shairi" (Urdu) Vol. II p.270

4. Waliullah Mattoo : (1766-1832) One of the famous Persian poets of Kashmiri who in the style of Nizami Ganvi, has composed five long poems-*mathnavis*.

5. Abeed : Persian poet from Kashmir (d : 1840)

6. Taayib : Maulana Abdul Gaffer Taayib of Baramulla has composed hundreds of *Naat* poems in Persian. (d : 1880)

   Autograph of his compilation with Prof. S.D. Soz.

7. Khanqahi : Maulana Abdur Rasool Khanqahi of Chareri-Sharief (1765-1832): See *Naat* Number in "*ANHAAR*", literary magazine of the P.G. Department of Kashmiri, University of Kashmir, Srinagar.

8. Shiva : Ghulam Rasool Shiva of Bandipur. Contemporary of Khanqahi and Abeed.

9. Jayyad : Brother of Shiva, again from Bandipur, was a great Persian poet.

10. Syed Hussain Qadri : deseendant of Syed Abdur Rehman alias Rehbab Sahib has a Persian Dewan to his credit.

11. Daraab Kashmiri : (1890-1972) See History of Persian Literature in Kashmir by Prof. Ab. Qadir Sarwari PP 320 to 324.

12. Habibulla Naushari : A famous Kashmiri saint and poet, buried at Naushahar, Srinagar. His Urs and (death anniversary is every year celebrated on 10th Zil-haj as he died on the same day in 1027 AH (1616 A.D).

13. Mirza Akmal Badakhshi : See Note 12 Chapter II

14. Mulla Faakhir : A great poet who has composed both in Persian and Kashmiri but the bulk of his verses has not so far reached us. He died in 1795.

15. Qutab Miskeen Waiz: Founder of Modern Kashmiri *Naat*. Died on 27th of Ramzan 1274, buried at Charari-Sharief.

16. Naazim :Junior contemporary of Qutab Waiz and Mehmood Gami. Buried in Bijbarha town in the shrine complex of Nasib Gazi. His Naat poems are popular both with musicians and religious preachers.

17. Mehmood Gamil : (1765-1855) Great Kashmiri poet who has contributed almost to every genre. His poem 'Yousaf Zuliekha' has been translated into German and English.

18. Abdul Ahad Nadim : Master of Kashmiri *Naat* genre. Born in downtown Srinager, lived in Ompora Budgam district, died at Ganderbal and buried in village Gamro Bandipur where Higher Secondary School is dedicated to his memory.

19. Maqbool Kralawari (1820-77) : His poem Gulrez is a living legend in Kashmiri letters. In *Naat* he follows Qutab Waiz and Nadim but carves out a distinct style of his own.

20. Kreri Sanaulla: Of village Kreri in district Baramulla. His Naat is on every morning recited by the devotees almost from all the mosques in Kashmir (1813-75).

21. Ghulam Jeelani (1900-1972) From a rich trader, devoted lover of the Prophet, fan of Syed Ab Qadir Jeelani, Committed freedom fighter and author of sweet and scholastic *Naat* poems. His shop in Maisoma was the rendezvous of intellectuals.

23. Dina Nath Nadim : (1907-1988) : His verse compilation "Shihil Ko'l" won him the prestigious Sahitya Academy Award. Harbinger of progressive trends in literature and the founder of blank verse and opera in the Kashmiri language.

24. Dard Mand or Daidlad : Khwaja Akram Noukh of Charari-Sharief, author of Mathnavi "Mehro Mah", an autobiographical verse novel.

25. Samad Mir : An illiterate poet but created with his ingenuity a peculiar trend in the expression of mystic intricacies. His choice of phrases, metaphors and similes is both original and unique. Born in 1894, died in 1959.

26. Ahad Zarger : (1905-87) Like Samad Mir a great mystic poet-rather the last mystic poet. His style and diction both distinguishably unique.

27. Mehjoor Kashmiri : Peerzada Ghulam Ahmad Mehjoor (1887-1951) is the harbinger of the literary revolution of Kashmir. He was accorded a state funeral.

28. Nala Tel Bal : A famous milky stream emerging from lake Maarsar through the meadows and high peaks and confluences in Dal lake in village Tel Bal near Hazratbal where devoted fans of the shrine would ferry their boats and spend nights of meditation under the commanding view of the shrine but hidden from common gaze.

29. Distinction in the connotations of the phrases "Shabas Tarun" and "Raatas Tarun" -both meaning "to spend the night" is to be felt and realised. Shabas Tarun in relation to Shabi Qadar, Shabi Barat and Shabi-Meeraj means particularly to cross the Dal lake and to spend the night in meditation in Hazratbal. On the other hand, "Raatas Hazratbal Tarun" would simply mean to cross the Dal lake to spend, the night there. "Both "Shab" and "Raath" mean 'night'. Mehjoor says: his beloved would cross the Dal lake (in the boat) and spend the night in devoted meditation near Tel Bal in the benign presence of the shrine in its close vicinity but far from public disturbance.

30. Kuliyati Mehjoor : Pub: J&K Academy. Edited by M.Y. Taing.

31. Behrari : Abdul Aziz of Behrar, a traditional mystic (1858-1963) poet, freedom fighter. His verse compiled by Sultan-ul-Haq Shahidie for J&K Academy as Kuliyati Behrari.

33-34. From Kuliyati Behrari.

34 Shafi Shaida : (Born 1943). From his compilation "Amaar" which bagged the Sahitya Academy Award of 1990.

35. This verse conveys contemporary sensibility and feelings about the crises of the suffocated soul of Kashmir. The poet requests the pilgrim (who via Khwaja Yaarbal is to cross the sub-ocean (Dal) to beg mercy from the Lord at Hazratbal so that the grip of tyranny on Kashmiris is loosened.

Such verses have been compiled and translated separately- and will be published soon under the title : "Suffocated Soul-Through its Creativity".

36. Aagar Nama : By G.M. Lone, edited : J & K Academy.

37. "Sonzal": page 70. (verse compilation of young poet, Ali Shaida).

38-42 : Kashmiri Folk Poetry volumes 1 & 2, published by J&K Academy.

CHAPTER XII

HAZRATBAL—ITS MANAGEMENT

At present, the shrine is managed by a Trust named the J&K Muslim Auqaf Trust, but the management has passed through many stages from the beginning of the 18th century. The term "Hazratbal" includes in its ambit not only the mosque with the special chamber housing the Moi-Muqqadas but all the sprawling gardens and orchards, huge and magnificent attached buildings and thus the major portion of this locality forms the complex of the shrine. All property falls under the management of this Trust.

Though no record is maintained about the form of management which took shape at the time of the conversion of "Sadiq Abad" into Hazratbal, it is inferred that the active management remained with the owners of this estate, Anayat Begum and her husband Bulaqi Bandi. As the relic too was acquired by their predecessor, the routine of its display to the public and matters relating to its possession also remained the personal domain of the Bandi couple. However, it is also more than clear that in their management, they surrendered their judgement to the directions given by the saints of that time, particularly Sheikh Baba Radho Mohammad Chisti and Khwaja Ahmad Yeswi and to the opinions of Governor Faazil Khan and Aftab Naqashbandi. Thus from the beginning, the Bandi family demonstrated sincerity in its dealings with matters related to Hazratbal and sought the collective involvement of all the streams of public opinion which included mystics of a high order, scholars, *Mutawalis* of other important shrines and the government representatives. The heir of Haji Ishbari, Bulaqi Bandi, did not display the relic to the public and this delicate job was assigned to the saint Sheikh Baba. Bulaqi Bandi too was his disciple and on the death of Sheikh Baba, Bulaqi was assigned the charge for two reasons. Firstly, he was the rightful person as the only heir of Haji Ishbari and secondly, he was the concerned spiritual heir of Sheikh Baba. But where matters of the management were concerned, he relied on the consensus of the dignitaries. Even his appointment as Displayer of Moi-Muqqadas (*Nishan*

Deh) was the result of a consensus. After his death, the office was inherited by Khwaja Ishaque Bandi, his son, who seems to have been the sole arbiter in the matters of its management. But consultations with dignitaries of the country continued to be practised by him also. It was during his time that the colonisation in Bagh-i-Sadiq Khan began.

After only 25 years of the arrival of this relic at Hazratbal and after only eight years of his taking over as *Nishan Deh*, Bulaqi Bandi declared the properties described and detailed in the deed as *waqf*. They include the land and the double-storeyed bungalow housing the sacred relic. Prior to it one Mir Nafeesulah Khan had also created a *waqf* upon a piece of land adjacent to it. For all the three *waqf* properties connected with this holy relic, another deed executed in 1186 AH (1773 AD) confirms, details and explains the conditions and terms of the Trust set out by Bulaqi Bandi on 9th of Rajab 1136. The earliest deed executed by Bulaqi is not available but all its terms are duly contained in this subsequent document which was drafted and written by the then grand Mufti Abul Wafa and was registered and duly stamped by the minister of the State, Qamar-ud-Din Khan and Governor of Kashmir, Khan Azam Khan Chugtai. It sets out both the avenues of its income and the course of its expenditure. The income specifies two main sources, the offerings and the produce of its huge *jagir* or landed estate. It does not mention or describe the landed estate but specifies the inclusion of "the foodgrains and other corn which the Trust receives from the properties under its possession". It pin-points the main heads of expenditure for which this income is to be defrayed and they include construction, reconstruction or repairs and maintenance of both the mosque and the chamber. The second part of the income shall meet expenses on the boarding and lodging of "*Faqirs* who may stay in this holy shrine" and the third share might go to the heirs of the three sons of Bulaqi Bandi who were described as Ishaque, Niamatullah and Mehmood. Thus the remaining third was to be apportioned in three equal shares. This deed handed down the scheme about the display of the relic to the three streams of the descendants of Bulaqi. However, it was succinctly provided in the deed as declared by Bulaqi that in the main functions, the relic will be displayed by the eldest son. Only such an heir shall be the *Mutawali* or Manager of the Trust. These conditions were strictly followed.

After Bulaqi's death, though the display of the relic was carried out according to the scheme devised by him and the revenue was

also apportioned in the same scheme, the main administrator was his eldest son, Ishaque. It is partly during the time of Bulaqi and partly during the management of Ishaque that houses were built to accomodate the members of the Bandi family temporarily and for the lower staff appointed by Khwaja Ishaque. His son, Abul Hassan Bandi, played a political role of eminence during the Pathan regime and more so during the period of Sukh Jeevan Mal who declared Kashmir as an independent state and seceded from Kabul authority. Abul Hassan had constructed an edifice of grandeur somewhere near Hazratbal on the banks of the Dal Lake where he invited Sukh Jeevan Mal, but a mysterious fire was the cause of dissension between him and Sukh Jeevan. It is also known that he had constructed palatial houses at "Baldi Mar" (at present S.R. Maharaj Gunj in downtown Srinagar). It can be inferred that the owners had allowed their employees to construct only simple houses for their families. They stayed permanently at the ancestral place. However, on important occasions, when they had displayed "*Deedar*" at odd hours during the morning and late night prayers, they had to stay in this village. Hence they might have constructed a temporary house here also for effective management.

On his death after 1167, Abul Hassan Khwaja Noor-ud-din, one of the five sons, became the *Mutawali*. It was he who executed the deed. It has been said that Abul Hassan became a victim of political intrigue and also died in exile. Much property was destroyed. However it seems that the Pathans, in spite of Abul Hassan Bandi's political adventure did not withdraw or even disturb the *jagirs* granted by the Mughuls for Hazratbal but the political instability during the last days of Pathan rule and excessive oppression of the populace by the Pathans reflected on the income of Hazratbal. The disturbed economic conditions of the local affluent class, including traders and estate holders, and frequent droughts greatly affected the revenue from the shrine offerings. The droughts also reduced the income from the share of crops. In these circumstances, the condition of the Bandi family tilted towards bad days during the Sikh rule when the plight of this dynasty which was known for its hospitality, generosity and philanthropy worsened. Since the family survived on the revenue from offerings alone, the *Mutawali* and his dynasty could not divert any money towards repairs. In this situation created by compulsions which contributed to the general misfortune of Muslims, the condition of the shrine complex deteriorated.

According to the Trust deed, the *Mutawali* had to apportion the revenue from offerings and *jagirs* in three shares. As the *jagir* was withdrawn by the Sikh rulers, the main brunt of all three fell on the offerings alone. The economic condition of the people had also considerably worsened so paupers or under-fed people could not contribute towards the upkeep of the shrines, including Hazratbal. Consequently the condition of all shrines worsened. In this situation, the rush of *Faqirs* towards the hospices also increased. Though the board and lodging here was meant to feed the mystics (*Faqirs*) only, gradually the connotation of this word *Faqir* deteriorated to mean 'beggar'. It seems that in the garb of mystics, common 'beggars' entered these hospices, including the one at Hazratbal to get sustenance. The Bandi family had also by now increased in number, including descendants of the three sons of Bulaqi Bandi. Their pressure on the smaller income from offerings also increased. Hence this source of income was squeezed to provide for the needs of this family. As a result, the management which was under Noor-ud-din and then with his son Khwaja Zaheer-ud-din and later his grandson Khwaja Abdur Rahim I was forced to ignore the maintenance of the shrine.

It was Abdur Rahim Bandi I who in the year 1867 organised a committee of rich traders of the city under him to widen the complex so as to accommodate the increased number of pilgrims. The committee was headed by Khwaja Azim-ud-din Drabu. In spite of utter poverty, the people sacrificed their meagre possessions and donated with devotion. This was possible only after the end of Sikh rule. The founder of the Dogra rule, Gulab Singh, besides being liberal, would pray at such places of devotion.

After twenty-two years, in the summer of 1889, the Nawab of Dacca (Bangladesh), Nawab Ahsannulah Khan constructed a *hamam* close to the shrine under the guidance and care of Ghulam Hassan Bandi, the *Mutawali* of that time. It is said that the Nawab Sir Ahsannullah Khan was from the same dynasty. Though it is established by his own statement that the Khan was of Kashmiri origin there is not yet any evidence that he was of Bandi origin.

Since the *Mutawali* was not able to divert any portion of the income from offerings towards the necessary repairs of the shrine, its condition deteriorated. In this situation, the further sub-division of the Bandi family forced a situation under which further colonisation of the land adjacent to the shrine created utter congestion.

Earlier, during the nineteenth century, the *Mutawali* Nizamud-din and his successor Abdur Rahim I had appointed, an *Imam, Mozin, Naat* Reciter, Illuminator, the care-takers for shoes and other menial officials for the services of the shrine and pilgrims.

In this situation, new settlements mushroomed and the haphazard colonisation around the shrine completely marred the former beauty of its surroundings. Its layout was planned with such delicacy and detail that the dazzling decoration on the walls of the pleasure house was reflected in the lake, its view from the facing Zabarwan hill and from the terraces of the Nishat and Shalimar gardens (on the other side) would bewitch the viewer. But the congestion had defeated the very purpose of the location.

The decline in the fortunes of the *Mutawali* family, poverty in the Bandi dynasty and the political situation in J&K forced the once philanthropic dynasty to live on limited offerings from poverty-stricken Kashmiris. Repairs were ignored, and encroachments increased. The Bandi dynasty had lost their economic status and had no direct influence to mobilise the public for economic sacrifices, nor were the masses in a financially sound position. So they sought and invited the patronage of the most influential religious leader Mirwaiz Maulvi Yousuf Shah. It was in 1939 that on the invitation of Abdur Rahim Bandi II, that Mirwaiz patronised a committee of the rich and influential elite of the city consisting of Mirza Ghulam Mustafa, Ghulam Mohi-ud-Din Kawosa, Ghulam Mohammad Pandit, Mufti Sharief-ud-din and Abdul Ahad Farooqi, *Vakil* of the High Court. The intervention of Mirwaiz was also sought to cover the cracks within the dynasty. A scheme devised in the Trust deed executed in 1186 specified that the *Mutawali*ship of the Hazratbal *Waqf* shall devolve upon the eldest son of the deceased *Mutawali*. It was under this scheme that Abdur Rahim II was discharging his duties. His cousin, Khwaja Noor-ud-din either acted over-ambitiously and did not reconcile with this legal situation or the elder cousin Abdur Rahim had chauvinistic tendencies. Whatever the reason, the dynasty fell into disunity. In 1928 this disunity had come on the surface and resulted in the 1939 interference of the Mirwaiz. In 1938, the J&K Muslim Conference had bifurcated into two different organisations. The one accused the other of defection and so also of betrayal and the other dubbed the leaders of the J&K Muslim Conference, as rotten stuff. This led to a confrontation which trangressed all the limits of "brutality." Thus the presence of Mirwaiz at this stage annoyed the leadership of

the National Conference and so it used the disgruntled faction of Noor-ud-din Bandi to achieve its own ends. The leadership of the National Conference was aware that they could not disturb the spirit and scheme of the Trust. Abdur Rahim *Mutawali* also knew that the condition of the Hazratbal shrine complex was taxing the minds of the people and the National Conference leadership was able to exploit the situation and use its muscle power. In this situation, the *Mutawali* tilted his loyalty towards the stronger side. In 1942, on the death anniversary of the first Khalifa Hazrati Abu Bakar, Maulvi Mohammad Syed Masoodi deferred the display of the holy relic and forced the Displayer *Mutawali* to declare that "Sheikh Mohammad Abdullah Sher-e-Kashmir is my leader". With this utterance from such an important pulpit, the National Conference and its leader Sheikh Abdullah were able to mobilise public opinion for the complete renovation of the shrine and complex.

On 24th January, 1943 a meeting of the leading Muslim figures of Kashmir was organised under the chairmanship of Sheikh Abdullah which created a body called "Idara Auqafi Aasari-Sharief Hazratbal." Sheikh Abdullah was elected its president. The General Council of hundred members and the Executive body of eleven members were constituted. This meeting brought both the contenders for higher positions, Abdur Rahim and Noor-ud-din, under the same umbrella and Hazratbal for the first time, slipped away from the control of *bona fide* managers. The Idara really did a commendable and historic job which can be well appreciated by those who had seen Hazratbal before 1943.

A call from the Idara for donations invited such a commendable response that it was much beyond the expectations of the Idara itself. As soon as the Chairman, Sheikh Abdullah in his attractive and peculiar rhetoric gave an outline of the proposed improvements in an *Urs* congregation, the impact was so overwhelming that the women removed their ear-rings, finger rings, bangles and other ornaments and offered their jewellery to the volunteers deputed for taking collections from each row of the devotees. There were very few families which possessed golden ornaments then. Most women had to rest content with silver while poorer women would use imitation or inferior metals. The women sacrificed their ornaments and by the evening of that day, the volunteers had collected a considerable quantity of silver, hundreds of *tolas* of gold, cash and even jewellery made of inferior metals. The men, who had no money except travelling expenses, removed their woollen blankets from their shoulders and happily donated them. This

overwhelming support, enthusiastic involvement and burning desire to offer any sacrifice astounded the members of the Idara. The committee then became more ambitious in its plans and even the Bandi family and the *Mutawali* felt overawed with the public mandate the Idara had received. In the process, the heirs of the owners and the *Mutawali*, the rightful manager, tacitly surrendered their control on the management of the shrine.

At that time, the compound on the eastern side consisted of barely an acre of land. There was no other open space on any side of the shrine. Hence a good number of houses on all the sides were acquired and after they were demolished, the land was levelled into lawns and orchards. On the south was the Noor Khan where lies buried Haji Noor-ud-din, his son-in-law, daughter, their sons and the Negro attendant of Moi-Muqqadas, Maydanish. Haji Noor-ud-din Ishbari had willed that he shall be kept to rest close to this relic, so the Idara did not disturb Noor Khan. However, this enclosure was reserved for *Parda Nashin* ladies so that they could see the relic which the displayer would bring from inside, treading over the grave of a great lover of the Prophet, Ishbari. On the front facing towards Dal Lake, a sprawling compound fitted with black chiselled stone was developed, a wide boulevard extending from the compound on the banks of the Dal to the shrine complex skirted upto the other end of the Dal Lake. On the northern side, an Oriental College Of Learning was established, housing a huge stock of rare manuscripts and a rich library with books on theology, the Quran, *Hadis*, logic, philosophy and other branches of learning. It was this scholastic environment which motivated the Prime Minister and Pro-Chancellor Sheikh Abdullah to select Hazratbal as the appropriate place for a University and later on Bakshi Ghulam Mohammad also chose this place as the site for the Regional Engineering College.

On the rear towards the west, a sprawling orchard of cherry trees was grown, providing more space for the rows of devotees offering prayers during the special congregations. Old properties of the shrine located within the city and other places were renovated. New properties were also added. The income from such avenues made the Idara economically independent. It is a historical fact that the plans initiated for the complete renovation of the Hazratbal could not be completed within the ear-marked time because of the arrest of its dynamic organiser, Sheikh Abdullah, on 9th August 1953. His release by the end of 1957 was brief but he again revitalised the activity of the Idara.

He was immediately taken into custody in early 1958, involved in the Kashmir conspiracy case and ultimately released in the wake of the relic agitation. He enjoyed freedom for a brief period but was refused entry in Kashmir after his foreign tour when he was detained in Madras. All these political developments reflected upon the plans which the Sheikh had conceived in 1943 and resulted in an unavoidable delay. The Bangladesh war spread gloom and pessimism. An ambiguous lull in the political life of Kashmir carried different signals to different quarters.

The political atmosphere of ambiguity after 1971 became beneficial for the revival in the management of Hazratbal. Sheikh Abdullah channelised his energy exclusively towards its complete renovation. He devoted about 16 hours out of 24 hours a day and in the process, both the buildings, the mosque containing the relic in its chamber (originally designed as Ishrat Kada) and the *hamam* constructed by Nawab of Decca in 1867, were demolished. The present shrine was then constructed. In the full view of a huge public congregation, a golden pinnacle was fixed on the white marbled dome.

It was on 31st of August, 1973 that more than two lakhs of people assembled in the vast area covering all sides of the shrine. The people unanimously and with enthusiasm passed a resolution, placing on record their appreciation for the historic and commendable work which the Idara had done for the complete renovation of this shrine. Further, the resolution expressed the determination to create a Public Trust dedicated to the general welfare and efficient management of the places of worship and other religious places of Muslims in Jammu and Kashmir, including Hazratbal.

To execute the mandate of the people expressed through this resolution a comprehensive Trust deed was executed on 23rd of September 1973, which was registered both under the Registration of Societies Act and the Registration Act. In this way the Idara was converted into a well-organised Trust with most progressive aims. It authorised the body to hold, possess and manage the Trust properties and various Muslim *Waqf* properties, mosques, *Khanquahas*, shrines and other religious places to construct, maintain, repair, develop and improve these institutions. It further envisages that the Trust shall set up educational centres for imparting Muslim religious teachings, libraries and reading rooms as well as colleges for medicine, engineering, accountancy. The Trust further envisaged grants of scholarships,

loans or other financial assistance to the deserving Muslims of the state.

The Trust in its first Constitution nominated Sheikh Mohammad Abdullah as its life-long Chairman. It was after his death on 8th of September 1982 that an amendment was made incorporating the clause appointing his son Dr. Farooq Abdullah as the life-long Chairman. Since its inception, the Trust ran the management of Hazratbal meticulously and with drive but administrative lapses, characteristic of government departments or state-aided corporations, somewhat marred its performance.

The present generation has an idea of the tremendous changes which this great centre of Muslim faith has undergone for the last half a century. But some of them do appreciate the contribution of both the Idara and its successor, the Trust, to the cause and history of Kashmir.

The dominant strain upon contemporary Kashmiri culture has remained specifically a commercial one. Therefore, the intellectual approach has been completely eclipsed in the development of every phase of our life. This trait has remained dominant with the management of Hazratbal as well.

For the last six centuries, Kashmir has greatly contributed to Islamic literature, the art of calligraphy and mystic thought. It has to its credit a great number of thought-provoking '*Naat*' both in the Persian and Kashmiri languages. Rare documents of superb calligraphic art have remained in oblivion or because of the lack of great scholars. But in spite of their yearly budget of crores of rupees, the Idara or the Trust have never ear-marked even a paltry sum to resurrect, acquire, preserve and carry to posterity this intellectual identity of Muslim Kashmir.

The lack of wisdom in the leadership of the Trust which have presumed that their people are blind to reason, should be condemned. No attempt has been made, during this half century, to conduct any research in the history of Moi-Muqqadas. They have not even cared to resurrect and publish the references made about this relic in histories and anthologies nor have they made any attempt to know whether any such material containing historical references existed at all.

The historian Manami in his "*Gauhari Alam*" has stressed that he had written a treatise on its authenticity and historicity under the pseudonym of Rauzatul Akhyaar. It was not expected from *Mujawirs*

(who suffered after the eclipse of Mughal rule and after the Afgan rule) to have made some efforts to trace out a copy or even autograph of Rauzatul Akhyaar. But Sheikh Mohammad Abdullah and his progressive lieutenants like Maulana Masoodi, Khwaja Kara, G.M. Sadiq and M.A. Beg should have made it the first aim of the Auqaf to spend any amount to acquire such a valuable document. It seems either they had blinded themselves to reason and considered it above research and logic or they had no faith in it and so did not care to go in such details. Instead they made political dividends out of their association with Hazratbal. The political domination of the Idara and the Trust made it only a political stage and with that strain and stress, both the institutions by their glaring omissions and negligence, allowed such material (which could be traced half a century ago) to permanently disappear. Even now, sincere attempts can retrieve the situation but who will do it? The present management consists of unintellectual traders, retired state civil servants and the Auqaf consists of recruits who have been selected only on the strength of political favouritism. This management has inherited 'business thinking' and so are interested, as has been the tradition with the management, in investing only in the construction of shop complexes, hotels, and orchards which can be of monetary benefit to the Trust and to the management. They cannot understand the need for investment in the resurrection of the heritage of Muslim Kashmir.

Kashmir had contributed a considerable portion to world *Naat* literature in Persian, Kashmiri and Arabic, and the bulk of it lies in manuscripts. No attempt has been made either by the Idara, Auqafi Islamia or by the Auqaf Trust for the past decades to collect and collate this scattered material which could establish, beyond doubt, that the dominant inspiration for Kashmir creativity has been *Ishq-i-Rasool* or Love for the Prophet.

Sufis and saints have been authors, poets and intellectuals but the Auqaf confined its activities only to construct shrines on their graves and shop complexes in an attempt to ensure a recurring income to these shrines. But never have they tried to bring out these great lives from the mist of confusing anecdotes, neither has any research centre nor any publication wing been created by the Auqaf. It is thus that the contribution of Mir Syed Ali Hamdani, Sheikh Yaqoob Sarfi, Mirza Akmal-ud-Din Kamili, Khwaja Habibullah Naushahri, Baba Nasib Gazi, Baba Daud Khaki, Baba Daud Mishkati to Persian letters and

of Sheikh Noor-ud-Din and his disciples to Kashmir literature has remained the province of individual efforts.

As a Trustee, I proposed in 1993 (in the first and probably the last meeting I attended) that to resurrect and give publicity to the intellectual contribution of Kashmir saints, the Auqaf should establish a "Rehmatan Lil Aalmeen Academy" but the proposal was not considered. I vehemently feel that manuscripts hoarded with certain families are in danger of getting consumed in the recurring fires and so a campaign should be organised to encourage the owners to get their valuable manuscripts micro-filmed. But when I specifically suggested that Auqaf may provide the facilities for them, the idea felt upon deaf ears. In Charar-e-Sharief, six dozen rare manuscripts were reduced to ashes on the nights of 9th and 11th May, 1995.

It is regrettable that documents regarding the theft of Moi-Muqqadas were not available when I enquired about the file maintained by the Auqaf, the custodian of the relic, but its office has neither the copy of the F.I.R, nor the copy of the Police Report filed in the Court or even the copy of the final order.

This shows that the management for the last half century has remained interested only in the construction of the exterior of our shrine on which it has done commendable work but it has to be said that it has been "criminally negligent" in preserving our spiritual heritage.

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